

# **QUEENSTOWN LAKES DISTRICT COUNCIL**

## **Hearing of Submissions on Stage 3 Proposed District Plan Provisions**

### **Report and Recommendations of Independent Commissioners**

#### **Report 20.3: Chapter 18A**

#### **General Industrial and Service Zone<sup>1</sup> and Related Variations to Chapters 25, 27, 29, and 36:**

#### **Commissioners**

**Trevor Robinson (Chair)**

**Sarah Dawson**

**Greg Hill**

**Calum Macleod**

**Ian Munro**

**Quentin Smith**

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<sup>1</sup> The zone was notified as the General Industrial Zone. We have renamed it General Industrial and Service Zone (GISZ).

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## **1. PRELIMINARY**

### **1.1 Subject Matter of this Report**

1. This report addresses the submissions and further submissions the Stream 17 Hearing Panel heard in relation to Chapter 18A- General Industrial Zone, together with related variations to Chapters 25, 27, 29 and 36 of the PDP. We also discuss consequential amendments to Chapters 30, 31 and to the Rural Industrial Sub-Zone arising from submissions.

### **1.2 Terminology in this Report**

2. We have used the terminology and abbreviations as set out in Introduction Report 20.1.
3. We record here, early in the report, that in response to matters raised by some submitters, mainly those who had interpreted the zone to be ‘heavy industry’, that we have recommended the zone be renamed “General Industrial and Service Zone” to more accurately reflect its purpose. This is explained in more detail later.

### **1.3 Relevant Background**

4. Submissions on Chapter 18A –were heard by the Stream 17 Hearing Panel as part of the broader Stage 3 hearings that commenced on 29 June 2020.
5. Report 20.1 provides 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.
6. We do not therefore repeat those matters.

## **2. STATUTORY CONSIDERATIONS**

7. Report 20.1 – Introduction has comprehensively set out the statutory considerations relevant to our consideration of submissions and further submissions. They are not repeated here other than to emphasise, in relation to the findings and recommendations in this report, the importance of:
  - the National Policy Statement on Urban Development (NPSUD) which took effect on the 20 August 2020 well after the Stage 3 provisions had been notified;
  - The Regional Policy Statement (RPS), which, as we recorded in Report 20.1, is at an advanced stage; and
  - The “Strategy Chapters” of the PDP (Chapters 3-6 – and of particular note for this report are Chapter 3 – Strategic Direction and Chapter 4 – Urban Development) that provide strategic direction on the entire range of district planning issues.

8. Where relevant, we have addressed the specific provisions of those planning documents in this report terms of our findings and recommendation on the various submissions and further submissions.

### 3. OVERVIEW.

9. As set out in the section 32 Evaluation Report, the GIZ sought to replace three Operative District Plan (ODP) zones:

- Industrial A Zone (Arrowtown – Bush Creek Road, Queenstown – Glenda Drive, Wānaka - Ballantyne Road (western side of road));
- Industrial B Zone (Wānaka - Ballantyne Road (western side of road));
- Ballantyne Road Mixed Use Zone (Ballantyne Road (eastern side of road)).

10. The main concern set out in that evaluation report, and the reasons for the GIZ zone, was that while these zones principally provided for the establishment, operation and growth of industrial type activities, they:

*“have not sufficiently recognised or provided for those land use characteristics which enable the long term viability of industrial type activities, and have inadvertently provided for non-industrial type land uses to establish and operate within the Industrial Zones, such as Office, Retail and Commercial activities, which have contributed to industrial development capacity restraints within the District”.<sup>2</sup>*

11. The key changes, in summary were to:

- Replace the existing Industrial Zones with a single zone framework (GIZ)
- Exclude and restrict non-industrial, non-ancillary type activities from the GIZ, including Office, Retail, Commercial and other related non-industrial type activities;
- Enable ancillary non-industrial type activities (but restrict their size), including Office, Retail and Commercial activities, and food and beverage related commercial activities to the extent that they directly relate to and support Industrial or Service Activities;
- Identify minor additions to the extent of the existing Industrial Zones in the Wakātipu Ward to avoid unnecessary split zonings or to correctly zone existing industrial related activities;
- Remove the existing Ballantyne Road Mixed Use Zone from the existing set of Industrial Zones and rezone this land Open Space – Active Sport and Recreation (addressed separately in Report 20.5);

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<sup>2</sup> Section 32 Evaluation

- Vary relevant parts of the Proposed District Plan (PDP)-, Chapter 25 (Earthworks), Chapter 27 (Subdivision and Development), Chapter 29 (Transport) and Chapter 36 (Noise) to introduce the Zone to these chapters and to give effect to the direction of the GIZ.
12. The key concerns raised by submitters included the following, and these are discussed in more detail below:
- Many submitters considered the GIZ zoning was too narrow and restrictive and that the zone either needed to be more flexible in the range of activities it enabled or provided for – or that another zone needed to be created to enable the flexibility sought.
  - In relation to the bullet point above, many submitters considered that prohibiting/restricting non-industrial type activities, including Office, Retail, Commercial and other related non-industrial type activities was too restrictive, and did not recognise that these activities had been established under the ODP provisions.
  - In response to the bullet point above submitters sought:
    - That Office, Retail, Commercial and other related non-industrial type activities that are not ancillary to industrial or service activity in the GIZ be provided for as in the ODP plan provisions.
    - That Trade Suppliers be provided for, and not be a prohibited activity as notified in the PDP; and
  - That greater flexibility be provided to the 50m<sup>2</sup> limit for ancillary non-industrial type activities, including Office, Retail and Commercial activities; and food and beverage related commercial activities to the extent that they directly relate to and support Industrial or Service Activities, be provided for.
13. Tussock Rise Limited<sup>3</sup>, Bright Sky Land Limited<sup>4</sup> and Alpine Estates Limited<sup>5</sup> (Tussock Rise) sought that land as identified in their submission be rezoned from GIZ to BMUZ. This was also sought by submitters in the Glenda Drive area (as well as a request for the Frankton Flats zone to apply), Queenstown, and at Bush Creek Road, Arrowtown.
14. A number of submitters sought that their land be zoned GIZ, and presented extensive cases supporting their requests. These included:
- Upper Clutha Transport Limited (UCT)<sup>6</sup> to rezone land on Church Road Luggate from Rural to GIZ;

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<sup>3</sup> Submission #3128

<sup>4</sup> Submission #3130

<sup>5</sup> Submission #3161

<sup>6</sup> Submission #3256

- Cardrona Cattle Company Limited (CCCL)<sup>7</sup>, to rezone land at Victoria Flat from Rural/Gibbston Character Zone to GIZ;
- Universal Development Hāwea Limited<sup>8</sup>, to rezone approximately 9 hectares of land (GIZ) at the southern end of a total site of 170 hectares sought to be rezoned for urban development (residential, local shopping centre and an indicative school site) south of Cemetery Road at Hāwea (addressed separately by the Stream 18 Hearing Panel in Report 20.8).
- Tussock Rise Limited (Tussock Rise)<sup>9</sup>, to rezone approximately 10 hectares of land at 101 Ballantyne Road - zoned Open Space and Recreation Zone – Active Sport and Recreation, to GIZ.
- Willowridge Development Limited (Willowridge)<sup>10</sup>, to rezone approximately 0.57 hectares of land on Riverbank Road (south of the former QLDC Oxidation Ponds) from LDSRZ to GIZ, and smaller portion of this site (0.35 hectares) located on the lower terrace at the junction of Ballantyne and Riverbank Roads from Rural to GIZ.
- Bush Creek Property Holdings Ltd, Bush Creek Property Holding No. 2 Ltd<sup>11</sup>, and
- Bush Creek Investments Ltd<sup>12</sup>, to rezone land at Bush Creek Road, Arrowtown from GIZ to BMUZ.
- Queenstown Airport Corporation (QAC)<sup>13</sup>, to rezone 3.27ha of land adjacent to Queenstown Airport from GIZ to either an Airport zone, the (ODP) Frankton Flats B zone or Rural zone.

15. The following is an executive summary of the key recommendations we have made:

The Zone and its provisions

- Change the name of the zone to General Industrial and Service Zone to better reflect its purpose;
- We have retained a single zone for general industrial and service activities, but have provided for a wider range of activities within the zone as notified.
- We have provided greater recognition of existing non- related industrial and service activities – including Office, Retail, Commercial and other related non-industrial type activities. Those lawfully established before the PDP is made operative are permitted activities, with some flexibility in terms of size and location provided it remains the

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<sup>7</sup> Submission #3349

<sup>8</sup> Submission #3248

<sup>9</sup> Submission #3128

<sup>10</sup> Submission #3210

<sup>11</sup> Submission #3353

<sup>12</sup> Submission #3354

<sup>13</sup> Submission #3316

same scale and intensity as that lawfully established. Changes to those activities that are not permitted are non-complying activities, as opposed to a prohibited activity in the notified PDP.

- Trade suppliers, subject to certain rules, are a discretionary activity as opposed to a prohibited activity in the notified PDP.
- The size of ancillary Offices Retail and Commercial activities is changed from 50m<sup>2</sup> as permitted activity to 30% of GFA.

#### Rezoning

- We have not made any significant changes to the extent of the GIZ as notified in relation to Queenstown and Wānaka, other than to delete this zone in the Three Parks Area and recommend its 'replacement' with a combination of Three Parks Business and Business Mixed Use;
  - M-Space Partnership Ltd's request to rezone land at Glenda Drive from GIZ to BMUZ is **accepted in part** to the extent that changes made to the GISZ better provide for existing residential and commercial activities that have been lawfully established;
  - Reavers (N.Z.) Ltd's request that the notified GIZ land shown on land at Glenda Drive that is zoned general rural and un-stopped road in the ODP be retained is **accepted**.
  - Tussock Rise's request to rezone land as shown in their submission (the Fredrick Street area zoned) from the notified GIZ to BMUZ is **rejected**.
  - M. Thomas, Bush Creek Property Holdings Ltd., Bush Creek Property Holdings No. 2 Ltd., Bush Creek Investments Ltd. (Bush Creek) – request to rezone the land as shown in their submissions from the notified GIZ to BMUZ is **accepted in part** to the extent that changes made to the GISZ better provide for existing residential and commercial activities that have been lawfully established;
  - UCT's request to rezone land on Church Road Luggate from Rural to GIZ is **rejected**, but re zoning to Rural Industrial Sub-Zone is **accepted**;
  - CCCL's request to rezone land at Victoria Flat from Rural/Gibbston Character Zone to GIZ is **rejected**;
  - Willowridge's request to rezone approximately 0.57 hectares of land on Riverbank Road (south of the former QLDC Oxidation Ponds) from LDSRZ to GIZ, is **rejected**;
  - Willowridge's request to rezone a smaller portion of the site (approximately 0.35 hectares) located on the lower terrace at the junction of Ballantyne and Riverbank Roads from Rural to GIZ, is **accepted**; and
  - QAC's request to rezone land from GIZ to either an Airport zone, (ODP) Frankton Flats B Zone or Rural Zone is **rejected**.
16. Tussock Rise's request to rezone 11.9 hectares of land at 101 Ballantyne Road - zoned Open Space and Recreation Zone – Active Sport and Recreation, to GIZ is addressed separately in Report 20.5.

## 4. ZONE PROVISIONS

### 4.1 The zone, its purpose and name.

17. As set out above we have re-named the zone to General and Service Zone or GISZ. We have done this for a number of reasons including:

- to better acknowledge the Zone’s purpose and objective which addresses both industrial and service activities;
- in response to the number of submitters<sup>14</sup> who, in seeking either a rezoning or a more flexible zone, sought to characterise the zone as a more ‘heavy’ or ‘pure’ industrial zone that did not reflect the existing situation or the likely further demand for ‘industrial’ activities; and
- to reinforce our view that this industrial zone alone, with some modification and flexibility, alongside the other business zones, is sufficient to cater for and manage the District’s industrial and service needs.

18. While we address these matters in more detail later, we considered we should set out our finding on the nature and purpose of the zone as ‘context’ for the submissions that sought an additional zoning or rezoning from GIZ to another zone (particularly BMUZ), or to enable a greater range of activities, including Office, Office, Retail and Commercial and other related non-industrial type activities, within the GIZ.

19. The Zone’s Purpose and objective 18A 2.1, as notified, read:

*Purpose*

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

*Objective 18A 2.1*

*Industrial and Service activities are enabled within the Zone and their long-term operation and viability is supported.*

20. Industrial activities and Service activities are permitted activities (subject to standards). They are defined as:

<i>Industrial Activity</i>		<i>Means the use of land and buildings for the primary purpose of</i>
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<sup>14</sup> In particular the Breen Construction Company et al and Tussock Rise.



		<i>manufacturing, fabricating, processing, packing, or associated storage of goods</i>
<i>Service Activity</i>		<i>Means the use of land and buildings for the primary purpose of the transport, storage, maintenance or repair of goods.</i>

21. We discuss later in this report the nature of the activities that have established within the ‘industrial’ zones of the ODP<sup>15</sup>. We also address the extent to which the notified GIZ provisions are considered too restrictive vis-à-vis the extent to which non-industrial activities (office, retail and commercial) have already been established. However, at this point we record that we agree with the Council’s experts<sup>16</sup> that the zone caters for a range of industrial and services activities which, in the context of Queenstown and Wānaka, tend to be what is called light industrial and warehouse/storage activities – and not ‘heavy’ industry as characterised by Mr Devlin, planner, for Tussock Rise.
22. Subject to the changes we have recommended to the range of activities provided for in the GISZ, and how existing non-industrial activities are to be treated, we agree that the application of a single zoning framework for the management of industrial land in the District is appropriate. This was discussed in the section 32 evaluation report<sup>17</sup> and complemented by expert evidence from Ms Hampson who stated her view that *“there seems little need to retain or create industrial zones that have a particular niche role within the industrial economy (such as heavy industry or light industry specifically)”*<sup>18</sup>.
23. In respect of Ms Hampson’s statement in the preceding paragraph, we disagree with Mr Devlin’s (for Tussock Rise) characterisation of the GIZ to be similar to the National Planning Standards (NPS) description of the Heavy Industrial Zone. The difference between the NPS descriptions (light, general and heavy) appears to relate predominantly to the type of effects that may result, with the NPS Heavy Industrial Zone referring to *“potentially significant adverse effects”*.
24. We also do not agree with Ms Mahon’s evidence<sup>19</sup> where she implies that the GIZ is intended to be a heavy industrial zone. Relying on the section 32 evaluation, she points out that the current Wānaka Industrial area has very little heavy industrial activity taking place within it.

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<sup>15</sup> Called ‘ground-truthing’ by the Council and Submitter experts.

<sup>16</sup> Ms Hampson and Mr Place.

<sup>17</sup> Paragraphs 7.69 – 7.76

<sup>18</sup> Section 7.3, Page 104 Economic Assessment of Queenstown Lakes District’s Industrial Zones Stage 3 District Plan Review, 22 May 2019

<sup>19</sup> Planner representing J C Breen Family Trust (submitter #3235)The Breen Construction Company Limited (submitter #3234)Alpine Nominees Ltd (submitter #3266)86 Ballantyne Road Partnership (submitter #3286)NPR Trading Limited (submitter #3298)

25. She goes on and states<sup>20</sup>:

*The finding that there are very little heavy industrial activities taking place within the Wanaka Industrial area supports the case for amending the GIZ provisions to allow for office, commercial and retail activities which are not ancillary to industrial or service activity use. This will provide more flexibility than the proposed GIZ for the existing uses taking place in the area such as light industrial, office, food and beverage and commercial activities*

26. We address Ms Mahon’s findings in the next section relating to the range of activities provided for in the GISZ. However, we think Ms Mahon has missed the point in relation to the purpose of the notified GIZ; we do not find it is a “heavy industrial zone”.

27. Given the nature and make up of existing activities (including within the Wānaka GISZ), and those which comprise the District’s industrial economy as described in the section 32 evaluation report as well as Ms Hampson’s assessment of the industrial economy<sup>21</sup>, we do not think Mr Devlin’s or Ms Mahon’s view is consistent with the description of the Heavy Industrial Zone.

28. In this respect, we agree with Mr Place and Ms Hampson that the nature and scale of the industrial activities in Queenstown, Arrowtown and Wānaka, combined with the activities permitted in the GISZ and the consent status for the more noxious type activities<sup>22</sup> that the zone is primarily focused on the lighter industrial activities and service activities as defined. This reinforces our view that a single zone framework is appropriate.

29. Furthermore, it is our view that the GISZ will assist in giving effect to the NPSUD in that it will contribute to well-functioning urban environments. Policy 1 of the NPSUD provides a non-exhaustive list of features of well-functioning urban environments. Policy 1(b) states the following:

*Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:*

*b. have or enable a variety of sites that are suitable for different business sectors in terms of location and site size;*

30. Of particular relevance, limb (b) sets out that well-functioning urban environments have or enable sites for different business sectors. This includes industrial businesses. As stated by Mr Place, drawing on the Economic Assessment of Queenstown Lakes District’s Industrial Zones, May 2019 (page 1)<sup>23</sup>:

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<sup>20</sup> Paragraph 35 of Ms Mahon’s evidence-in-chief.

<sup>21</sup> We discuss this later as part of the rezoning requests

<sup>22</sup> As an example – Any activity requiring an Offensive Trade Licence under the Health Act 1956 other than the “collection and storage of used bottles for sale” and “refuse collection and disposal” (as listed in that Act) is a non-complying activity.

<sup>23</sup> Para 2.4 of Mr Place’s reply statement

*It is known that the District's industrial economy is 'growing rapidly and has demonstrated growth rates faster than the rest of the district's economy'.*

31. The GIZ is the only PDP zone, aside from the as yet undeveloped Coneburn Industrial Zone, that has or enables sites suitable for those activities which comprise the District's industrial economy.
32. We accept that the directive zone framework promoted in Chapter 18A, as recommended to be modified by us, provides the mechanism necessary to meet Policy 1(b) of the NPS-UD, as well as the provisions of the Strategic Direction chapters. As traversed in the section 42A report, Council's evidence and evidence from a number of submitters (addressed in more detail later), a number of submitters have sought a more enabling GIZ framework, to allow for non-Industrial and Service activities.
33. While agreeing that that single zoning framework is appropriate, we agree with Ms Hampson, where she states in her evidence-in-chief under the heading of strategic role of the GIZ that<sup>24</sup>:

*"If the GIZ was amended to be a very permissive regime, this in my view would start to duplicate the role of other business zones and will distribute office and retail activity (for example) over the wider area and more locations. This prevents the concentration of activities in particular locations where benefits can be maximised and externalities can be managed".*
34. We consider, in agreeing with the Council's position, that a GIZ framework that is too 'enabling' would compromise the District's ability to provide the number of suitable sites for the industrial business sector and that those sites be used efficiently. In stating this we know some submitters (Tussock Rise for example) consider there is an over-supply of land zoned GISZ, especially in Wānaka, and that rezoning some land proposed as GISZ to another zone (eg BMUZ) would be more efficient. We address this issue under Tussock Rise's rezoning request.
35. Overall, we find that the GISZ needs to be a distinct zone, catering primarily for industrial and service activities (as defined) and not a more generalised zone catering for a wide range of business type activities (eg office and retail). This, in our view, will assist in realising the strategic economic benefits for the industrial economy from key synergies and agglomeration benefits between neighbouring activities. It can also assist in fewer reverse sensitivity issues, greater transport efficiencies, reducing potential for externality effects (by containing effects to a single location rather than dispersing them across multiple locations), and to support reductions in greenhouse emissions.

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<sup>24</sup> Paragraph 3.4 of her evidence-in-chief.

36. To reinforce that point, we do not consider that the Purpose should be diluted to include points of detail. We agree therefore with Mr Place's recommendation that the Purpose sought not refer specifically to the proximity of the GIZ to the Airport, as sought by QAC<sup>25</sup>.

#### **4.2 Should the GISZ strictly control non-industrial activities or should they be more enabled within the zone.**

37. As briefly addressed above, many of the submitters who opposed the GIZ did so on the basis that it was too directive, too restrictive and not broad enough to enable appropriate future development within it. Of particular concern was that non-ancillary Offices, Retail, Commercial services and other non-industrial activities were prohibited. Submitters also argued that this approach ignored the significant scale of offices, retail and commercial services that already existed in the zone, and it was inappropriate that they would have to rely on existing use rights. These issues overlap with submission seeking more discrete relief relating to the provisions of Chapter 18A.

38. The largest numbers of these submission points on the primary issue were collectively referred as Breen Construction Company et al<sup>26</sup> by Mr Place in his section 42A report and evidence. Tussock Rise addressed this matter comprehensively as part of its case. Other submitters also addressed this issue.

39. The submitters outlined that Office, Retail and Commercial activities were integral to the efficient and effective functioning of the GIZ. Breen Construction Company et al sought that these, and other activities, be significantly more enabled within the zone, with Tussock Rise arguing that, given the degree to which Offices, Retail and Commercial activities were already established in the zone, that the land identified in their submission be rezoned BMUZ<sup>27</sup>.

40. As set out in the Council's section 42A report<sup>28</sup>, the notified provisions were intentionally restrictive to only those land uses considered necessary for industrial and service purposes, and not those considered incompatible with the intended outcomes of the GIZ, including Office, Commercial and Retail activities. The Section 32 Evaluation report and the evidence of Ms Hampson and Mr Place was that it was necessary to keep the provisions 'tight' so as to achieve the purpose and objective to the zone. The reasons for this are those set out in the previous section of this report.

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<sup>25</sup> Submission #3316

<sup>26</sup> Breen Construction Company et al - Submission Points Orchard Road Holdings Limited, Willowridge Development Limited, the Breen Construction Company Limited, Henley Property Trust, Cardrona Cattle Company Limited, J McMillan, The Station at Waitiri Limited, JC Breen Family Trust, Alpine Nominees Limited, 86 Ballantyne Road Partnership, NRP Trading Limited, Ben and Hamish Acland, and A Strain,

<sup>27</sup> Tussock Rise Limited also sought the rezoning for other reasons, and this is addressed later in their rezoning request.

<sup>28</sup> Paragraph 5.5 of Mr Place's section 42A report

41. Objective 18A.2.2 as notified, stated:

*The establishment, operation and growth of Industrial and Service activities within the zone is not undermined by incompatible land uses.*

42. Policy 18A2.2.1 as notified sought to “avoid” activities not compatible with the primary purpose of the zone. These included: Office, Retail and Commercial activities that are not ancillary to Industrial or service activities, Trade Suppliers<sup>29</sup>, Large Format Retail, Residential Activity including residential units and flats, Visitor Accommodation, Residential Visitor Accommodation and Homestay activities.
43. Policy 18A2.2.2 sought to avoid the establishment of activities that would undermine the role played by town centres and other key business zones. Policies 18A2.2.3 and 5 sought to limit the scale of Office, Retail and Commercial activities to those ancillary to the Industrial and Service activities, and food and beverage related commercial activities to those serving the direct needs of workers and visitors or to support the operation of Industrial and Services activities.
44. This objective and its associated policies (as notified) were designed to be restrictive; setting out the range of activities considered ‘incompatible’ with the zone so as to ensure the purpose of the zone could be achieved and not undermined by non-industrial/service related activities. These included prohibiting those activities listed above, and making other activities including: Commercial Recreation and Recreation Activities, Community Activities and Community Facilities and those activities requiring an Offensive Trade Licence under the Health Act, non-complying activities.
45. These provisions were, in part at least, addressing Strategic Policy 3.3.8 of Chapter 3 (Strategic Direction) of the PDP. It states:

*Avoid non-industrial activities not ancillary to industrial activities occurring within areas zoned for industrial activities. (relevant to S.O. 3.2.1.3 and 3.2.1.5).*

46. This is a very clear and directive policy, and as noted in the Introductory Report the “..ink is barely dry on Policy 3.3.8 and that it was not appealed. Nor have we identified any suggestion in the Environment Court’s interim decisions on the Stage 1 appeals, insofar as they address similar provisions governing other zones, that would call this policy into question (a point emphasised by Ms Scott for Council)”. We find that this policy is a ‘heavy hitter’ when it comes to the type of activities provided for, or more correctly those not provided for, in the GISZ.
47. We also note that the Panel in Stage 1 of the PDP, in their consideration of Policy 3.3.8, accepted that non-industrial activities in industrial zones should be tightly controlled taking into account

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<sup>29</sup> Mr Place recommended that these activities, subject to certain caveats, be provided for as a Discretionary Activity.

*“the guidance provided by the Proposed RPS, the lack of land available for industrial development, and the general unsuitability of land zoned for other purposes for industrial use”<sup>30</sup>.*

48. With respect to the RPS, Policy 5.3.3 states:

*Policy 5.3.3 Industrial land*

*Manage the finite nature of land suitable and available for industrial activities, by all of the following:*

- a) Providing specific areas to accommodate the effects of industrial activities;*
- b) Providing a range of land suitable for different industrial activities, including land-extensive activities;*
- c) Restricting the establishment of activities in industrial areas that are likely to result in:
  - i. Reverse sensitivity effects; or*
  - ii. Inefficient use of industrial land or infrastructure**

49. While this policy is clear in its intent and supports restrictions on activities that would result in reverse sensitivity effects and the inefficient use of industrial land, we accept that the provisions of the GISZ go further than this policy. This is addressed in some detail in the Panel’s Introductory Report. However, we note Otago Regional Council submitted in support of Objective 18A.2.2 and its policies as it considered this suite of provisions would enable a diverse range of appropriate industrial activities<sup>31</sup>.

50. Given that the industrial economy is *“growing rapidly and has demonstrated growth rates faster than the rest of the district’s economy”<sup>32</sup>*, we accept that Industrial and Service activities (and zoned land) are a vital component of the District’s economic activity. It will contribute to the development of a prosperous, resilient and equitable economy and people’s overall economic wellbeing. Further, the growth of these activities will assist in achieving a more diversified economy and employment opportunities. Therefore, taking into account the strategic importance of the GISZ, we support restricting the range of activities within the GISZ so as to ensure the purpose and objectives of the zone are achieved.

51. In light of our position set out above, we support (and have recommended) the prohibition on new Office, Commercial and Retail activities not ancillary to Industrial or service activities, Large Format Retail, Residential Activity including residential units and flats, Visitor Accommodation, Residential Visitor Accommodation and Homestay activities within the zone. We accept Mr Place’s recommendation that Trade Suppliers (primarily involved in wholesaling related trade, among other things) be provided for as a Discretionary Activity.

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<sup>30</sup> Paragraph 530, Report 3 Report and Recommendations of Independent Commissioners Regarding Chapter 3, Chapter 4 and Chapter 6

<sup>31</sup> Point 3342.51 – Otago Regional Council

<sup>32</sup> Page 1, Economic Assessment of Queenstown Lakes District’s Industrial Zones, May 2019

52. We have retained Commercial Recreation and Recreation Activities, Community Activities and Community Facilities and those activities requiring an Offensive Trade Licence under the Health Act, as non-complying activities. We address Commercial Recreation and Recreation Activities in more detail later given Mr Farrell's (for Wayfare Group) evidence.
53. While we largely agree with the Council's position (and evidence) in relation to the activities within the GISZ, we do not think it is sustainable or reasonable to 'lock in' those existing lawfully established activities such as offices, retail and commercial services that would become prohibited, and therefore have to rely on existing use rights. In this respect we essentially agree with the submitters' evidence, notably the Breen Construction et al submitters and Tussock Rise.
54. To understand the extent of the issue of the extent to which Offices, Retail and Commercial Services have already established, ground truthing site visits were undertaken by the Council. This was to inform the section 32 evaluation report of the actual mix of activities undertaken on sites (including predominant and ancillary activities) according to the Operative District Plan (ODP) definitions.
55. A brief summary of the ground truthing findings for ODP industrial area is provided in Table 1 below and was set out in the section 32 Evaluation report<sup>33</sup>

Industrial Area	Summary of Uses
Arrowtown	<ul style="list-style-type: none"> <li>75.1% of all observed predominant activities are traditional industrial uses;</li> <li>20.8% of predominant activities had ancillary activities, with Office and Commercial being most common;</li> <li>44.4% of all predominant activities had a residential element or was the predominant activity.</li> </ul>
Glenda Drive	<ul style="list-style-type: none"> <li>Office and Commercial activities make up 49.1% of all predominant activities;</li> <li>Industrial type activities accounted for 50.1% of all predominant activities;</li> <li>37.6% of all observed businesses had a first level ancillary activity;</li> <li>12.4% of all businesses had a residential element.</li> </ul>
Wānaka (Industrial Zone)	<ul style="list-style-type: none"> <li>Service activities and Light Industrial activities comprise 53.3% of all observed predominant activities;</li> <li>20.8% of all recorded predominant activities were Office activities;</li> <li>More than a third of all observed predominant activities have an associated ancillary activity;</li> <li>15.6% of all recorded businesses had a residential element.</li> </ul>
Wānaka (Industrial B Zone)	<ul style="list-style-type: none"> <li>58.3% of all recorded predominant activities were Service, Light Industrial, or Industrial activities;</li> </ul>

<sup>33</sup> Section 32 Evaluation, Chapter 18A General Industrial Zone.

	<ul style="list-style-type: none"> <li>• 30.6% of all recorded predominant activities were office activities;</li> <li>• A third of businesses have first level ancillary activity with commercial the most common;</li> <li>• Only three businesses have a residential element.</li> </ul>
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56. Mr Millar, a director of Tussock Rise, did not agree with the Council’s section 32 ‘ground truthing’ as it did not match what he stated he was “seeing on the ground”. He assessed the 94 properties bordering the currently vacant Tussock Rise land (a mix of Industrial A and Industrial B zoned land) with the results set out in a table in his evidence – and as reproduced below<sup>34</sup>.

PDP Definition	Number	Percentage
Commercial	23	24.7%
Commercial Recreation Activity	3	3.2%
Health Care Facility	2	2.1%
Industrial Activity	18	19.3%
Residential Activity	17	18.2%
Service	22	23.4%
Trade Supplier	5	5.5%
Vacant	4	4.3%
<b>Total</b>	94	100%

57. Mr Millar stated that this “..confirms that the area is mixed in nature”<sup>35</sup>, and went on to state that the case for Tussock Rise, given the variety of land uses, “suggests a flexible zoning is the most appropriate way to ensure the land is used efficiently, rather than a rigid GIZ which would render many of these activities as prohibited or at least non-complying”<sup>36</sup>.

58. We return later to the zoning request made by Tussock Rise to rezone its and the surrounding land BMUZ. However, we address whether it would be appropriate to make changes to the GISZ by providing greater flexibility in the land uses enabled or provided for. And, if in section 32AA terms, this would make this zone ‘more appropriate’ than a different zone.

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<sup>34</sup> Paragraph 5 of Mr Millar’s evidence.

<sup>35</sup> Paragraph 9 of Mr Millar’s evidence

<sup>36</sup> Paragraph 13 of Mr Todd’s legal submissions



59. This was the position advanced by the Breen Submitters<sup>37</sup> (represented by planners Ms Mahon and Mr Edmonds). Those submitters sought the following relief:
- (a) *Amend the GIZ provisions to allow for office, commercial and retail activities not ancillary to industrial or service activity use; or*
  - (b) *If the relief sought in (a) is not allowed across the entire GIZ zone, allow office, commercial and retail activities along the Ballantyne Road corridor and Gordon Road (This area was shown in Figure 1 outlined in red in Ms Mahon's evidence)*
60. Ms Mahon, relying on the Council's section 32 evaluation report, pointed out the extent to which the area already consisted of non-industrial activities established in the area now proposed to be zoned GIZ. Because of this, and the nature and scale of the of the activities in and around her clients' land, it was her view that<sup>38</sup>:
- "..... I consider the most appropriate zoning to be GIZ with modification to allow for commercial, office and retail activities that are not ancillary to industrial or service use. This would best achieve the purpose of the Act and the Strategic Direction of the PDP and best provides for the existing activities occurring and anticipated by people within the area and is the most efficient use of the land.*
61. While the ground truthing exercises of the Council and Tussock Rise are different (in terms of the activities and areas that they classified) they demonstrate, as also pointed out by Ms Mahon, that a wide range of non-industrial type activities are established in the proposed GISZ zone – in particular Office, Commercial and Retail activities.
62. As set out above, the section 32 evaluation report concluded, based on the table above, that the ODP provisions had not been effective or efficient in ensuring that the Industrial Zones provided a secure location for the establishment, operation and growth of Industrial and Service Activities. It was Ms Hampson's and Mr Place's view that the presence of Office, Commercial and Retail activities would likely compromise the long-term viability of the District's industrial economy and the efficient and effective functioning of the Zone. It was for these reasons Office, Commercial and Retail activities not ancillary to Industrial or Service activities were identified as Prohibited activities within the notified GIZ.
63. Given our finding in the previous section about the nature of the zone we do not fully support the relief sought by the Breen submitters and by implication those of Tussock Rise. We do not think that enabling non-ancillary Offices, Retail and Commercial activities is appropriate. That would, in our view, undermine the purpose and objectives and policies of the GISZ. We have already set out our reasons for this earlier.
64. However, we cannot ignore the fact that whichever 'ground-truthing' exercise is the most accurate, considerable Office, Retail and Commercial activity has already lawfully established in

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<sup>37</sup> J C Breen Family Trust, The Breen Construction Company Limited, Alpine Nominees Ltd, 86 Ballantyne Road Partnership, and NPR Trading Limited

<sup>38</sup> Paragraph 100 of Ms Mahon's evidence

the proposed zone. We do not think these activities should be 'sterilised' by a prohibited activity and have to rely on existing use rights.

### **Existing Lawful Office, Commercial or Retail activities**

65. We have already noted that a number of submitters had raised the issue of the prohibited activity of Office, Commercial or Retail activities within the GIZ and the Council's view that the existing activities were 'protected' by existing use rights. We also note Mr Place's verbal evidence that Council not trying to push non-industrial activities out of this zone.
66. We raised concerns with Mr Place about how the GIZ provisions including in particular a prohibited activity status, will impact on existing activities, with particular reference to existing Office, Commercial and Retail activities that are not ancillary to Industrial and Service Activities. This focussed on:
  - Businesses ceasing operations for more than 12 months due to situations outside of their control, for example due to Covid 19;
  - Existing use rights (under s10 RMA) being inherently difficult to prove and therefore obtain;
  - Consent holders facing challenges when seeking amendments to their consent conditions or seeking alterations that may be captured by the prohibited activity status.
67. At our request, Mr Place undertook additional analysis on a framework that could provide for existing Office, Commercial and Retail activities within the GIZ and provided a detailed assessment of this in his reply evidence.
68. In summary, Mr Place recommended that the relocation of, or change of use of, an existing lawful Office, Commercial and Retail activity be classified as a Controlled activity. It would be a Prohibited Activity if the existing Office, Commercial and Retail activities were to occur within a different building or tenancy from the lawfully established activity, and if the activity resulted in an increase to the gross floor area occupied by the existing lawfully established activity of more than 10% and any increase to any outdoor area occupied by the existing lawfully established activity. He proposed changes to the Purpose statement and Policy 18A 2.2.1 reflecting the changes recommended to the plan rules.
69. We agree, to an extent, with Mr Place's recommendation, namely that provision should be made for these existing lawful activities. However, it is our recommendation that these lawfully established Office, Commercial and Retail activities (as the date the rule is made operative) be permitted, including their relocation within the same building or tenancy on the same site. Some flexibility is also built into the rules we have recommended allowing an increase of up to 10%; of the gross floor area occupied by the existing lawfully established activity.
70. We have amended the Purpose statement and Policy 18A 2.2.1 to provide for the changes we have recommended to the plan rules. In terms of the rules, those existing Office, Retail and Commercial activities that were lawfully established as the date the rule is made operative are permitted, while those that do not comply with the permitted rule would be non-complying, and not Prohibited as in the notified Chapter.

71. It is our view that the recommended changes we have made will provide a greater level of certainty for existing office, retail or commercial activities. Also, given the existing scale of these activities and the nature of the existing and envisaged industrial and service activities within the GISZ zone (as already addressed earlier), we do not think better enabling those existing activities will undermine or compromise the role and function of the GISZ.
72. Our recommended plan provisions (and in particular Policy 18A 2.1.3) retain their initial intent and purpose; being that Office, Retail and Commercial activities not ancillary to an Industrial or Service activity, are avoided in the Zone. The amendments reframe the policy to enable those existing activities as discussed. This approach, in our view, ensures these activities can continue to operate over time.

### **Trade Suppliers**

73. A number of submissions<sup>39</sup> were received requesting an alternative approach to the management of Trade Supplier activities within the GIZ. Those submitters considered the proposed provisions (i.e. prohibited activity status) were too restrictive and did not provide sufficient flexibility<sup>40</sup>.
74. In response to the submitters' concerns, Mr Place, supported by Ms Hampson's evidence, set out in some detail in the section 42A report the role of trade suppliers and the difference between Trade Suppliers that were predominantly 'wholesaling' as opposed to 'retailing'. He recommended that Trade Suppliers who were primarily wholesaling should be provided for (as a Discretionary Activity) in the GIZ, and those primarily retaining should remain prohibited.
75. Mr Place stated<sup>41</sup>:

*In my view, the suitability of a Trade Supplier being located within the GIZ turns on this distinction [between Wholesaling and Retailing]. In particular, I consider that a Trade Supplier predominantly involved in Wholesaling plays a role in providing for the establishment, operation and long term viability of Industrial and Service activities as they are likely to be involved in supplying Industrial and/or Service activities with the goods they need to operate their businesses. In the reverse, I do not consider that a Trade Supplier predominantly involved in Retailing would assist in achieving the purpose of the GIZ nor do they fit within the definition of the Districts Industrial Economy, as they are not likely to support the establishment, operation and long term viability of Industrial and Service activities.*

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<sup>39</sup> Horder Family, MCS Holdings Gordon Road, Orchard Road Holdings Limited, Willowridge Developments Limited, The Breen Construction Company Limited, J C Breen Family Trust, Alpine Nominees Limited, Henley Property Trust, Upper Clutha Transport Limited, 86 Ballantyne Road Partnership, NPR Trading Limited, and Ben and Hamish Acland

<sup>40</sup> Orchard Road Holdings Limited, Willowridge Developments Limited, The Breen Construction Company Limited, J C Breen Family Trust, Upper Clutha Transport Limited, Alpine Nominees Limited, 86 Ballantyne Road Partnership, NPR Trading Limited, and Ben and Hamish Acland

<sup>41</sup> Paragraph 5.56 and 5.67 of Mr Place's section 42A report.

*In addition, it is considered that those Trade Suppliers which are predominantly involved in Wholesaling are less likely to become retail destinations or commercial attractions for the general public. As discussed in other sections of this report such activities have the capacity to attract a large number of visitors, customers and staff and their associated traffic movements. In addition, the level of amenity anticipated by these retail based public customers, and expected by business owners, is not provided for within the GIZ, therefore resulting in an increasing likelihood of reverse sensitivity effects on established or future Industrial and Service activities. For these reasons, it is considered appropriate to exclude (i.e. by retaining prohibited activity status) retail based Trade Suppliers from the GIZ.*

76. Ms Hampson stated in her evidence that Trade Suppliers directly support construction activity through the provision of intermediate inputs, and that the construction industry dominates the District's industrial economy (but also sustains a significant share of total economic activity within the District). She stated that *"The presence of such Trade Suppliers involved in the activity of supporting the industrial economy will reduce the cost of doing business as goods can be sourced more conveniently"*<sup>42</sup>. Overall, Ms Hampson supported some form of provision of Trade Suppliers within the GIZ, as it would result in greater economic benefits than costs, and she considered that economic efficiencies can be enabled by providing for Trade Suppliers in the urban environment.
77. We queried if there was a distinction between the type of effects associated with large and small Trade Suppliers, and whether or not a GFA trigger should be used to determine the activity status of a Trade Supplier activity. In response Mr Place advised in his reply evidence that he had addressed a range of different methods that could be applied to manage Trade Suppliers and continued to support the application of a fully discretionary activity rule. His view was unchanged that while large Trade Suppliers are likely to have a different scale of effects than smaller activities, what remains critical to determining the degree to which a Trade Supplier activity is appropriate within the Zone is the extent to which it is involved in either retail or wholesale activities.
78. We accept Mr Place's recommendation that Trade Suppliers be listed as Discretionary Activity, with very clear and directive policies that make clear that those towards the 'wholesaling' end of the spectrum are likely to be appropriate and those at the 'retailing' end are not. This includes policy direction on:
- the activity supporting the establishment, operation and long-term viability of Industrial and Service activities;
  - the activity primarily being wholesaling related trade comprising the storage, sale and distribution of goods to other businesses and institutional customers, including trade customers;
  - the activity being avoided where it is primarily retailing such that they become retail destinations or commercial attractions for use by the general public.
79. In this respect we do not agree with Ms Costello, planner for Willowridge, where she stated:

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<sup>42</sup> Paragraph 10.18 of Ms Hampson's evidence-in-chief

*“the Discretionary status along with the uncertainty around compliance with the subjective policies will mean the GIZ is not considered a location in which to confidently invest in development for this kind of business activity”<sup>43</sup>.*

80. We disagree that the proposed suite of provisions would result in the type of uncertainty described by Ms Costello. We find that the suite of policies in the chapter we have recommended provide clear direction for any application to be evaluated against.

**Commercial Recreation and Recreation Activities.**

81. The Wayfare Group Limited (Wayfare) sought amendments to the GISZ provisions to provide a more enabling framework for Commercial Recreation and Recreation Activities. In particular, the submitter<sup>44</sup> sought to differentiate Commercial Recreation and Recreation activities from the “avoid” approach applied to commercial activity policies. Mr Farrell, Wayfare’s planner, sought a new policy to “provide” for these activities when particular conditions were met, and changing the activity status from Non-Complying to Discretionary.

82. Mr Place recommended rejecting Wayfare’s submission. This was on the basis that while Mr Farrell suggested there is a short supply of community and recreation facilities, Wayfare provided no evidence of any supply needs in regard to these activities. Wayfare also suggested that the conversion of large buildings in the Zone would be an efficient use of land, but Mr Place disagreed with this statement stating: *“it is known that Industrial and Service activities face challenges finding appropriate sites within the Zone”*.<sup>45</sup>

83. Mr Farrell told us in his evidence that<sup>46</sup>:

*“I am not aware of evidence confirming this [commercial recreation activities] is having a discernible or inappropriate adverse impact on the availability of industrial land supply in Queenstown. My observation is that this is because there has been insufficient supply in commercial or open space land. Also, there is no suggestion that conversion of large buildings in the Zone for commercial recreation or community activities would be permanent.”<sup>47</sup>. However, Mr Farrell acknowledged that: “Neither Wayfare or I can provide detailed or quantified economic analysis on this matter”*.

84. Mr Farrell was unable to present his evidence before the Panel, but responded to the Panel’s written questions in a supplementary statement of evidence<sup>48</sup>. As regards Policy 3.3.8, Mr Farrell

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<sup>43</sup> Paragraph 28 of Ms Costello’s evidence-in-chief.

<sup>44</sup> Evidence from Mr Farrell, Wayfare’s planning consultant.

<sup>45</sup> Paragraph 5.97 of the section 42A report

<sup>46</sup> Paragraph 10 of Mr Farrell’s evidence-in-chief

<sup>47</sup> Paragraph 6 of Mr Farrell’s evidence-in-chief

<sup>48</sup> Dated 24 August 2020

responded that he had not considered the implications of that policy when preparing his evidence (dated 12 June 2020). He acknowledged that Policy 3.3.8 seeks avoidance of non-industrial activities within industrial zones – saying “Consequently, paragraph 5 of my [12 June] evidence can be stuck out”<sup>49</sup>.

85. He went on to state<sup>50</sup>:

*“In my opinion providing for some transient activities (for example those which are temporary/short term and not incompatible with existing industrial land uses), will not undermine the strategic intention of Policy 3.3.8 (because the short term nature of the activity should not undermine the supply of land for Industrial Activities or allow any reverse sensitivity issues to arise).*

*I question whether Policy 3.3.8 accords with the NPSUDC on the basis that QLDC has not (from my reading of all the evidence) demonstrated that there is sufficient land supply/capacity for urban based commercial recreation activities (nor has it demonstrated that any available land passes the competitive margin thresholds in Policy 3.22 of the NPSUDC 2020)”.*

86. Overall, it was Mr Farrell’s position that “Subject to the weight given to Policy 3.3.8, I maintain it is appropriate to provide for some types of commercial recreation (e.g. indoor non-permanent activities that use existing buildings) in the General Industrial Zone”<sup>51</sup>.

87. Ms Hampson’s reply evidence addressed Mr Farrell’s evidence and responded to our questions. In response to Mr Farrell’s claim that “that QLDC has not demonstrated that there is sufficient land supply/capacity for urban based commercial recreation activities (nor has it demonstrated that any available land passes the competitive margin thresholds in Policy 3.22 of the NPSUDC 2020”, Ms Hampson told us that while the Business Development Capacity Assessment 2020<sup>52</sup> (BDCA) has not specifically “demonstrated that there is sufficient land supply/capacity for urban based commercial recreation activities” and that “ the BDCA is not required to assess or report sufficiency at a building typology, individual sector or individual zone”<sup>53</sup>, it does incorporate projected demand for commercial recreation activities occurring in the urban environment. She went on to state that the BDCA “incorporates capacity for ‘large utilitarian designed buildings’ (i.e. warehouse type structures) for commercial recreation activities and many other activities/sectors that occupy such buildings in relevant zones”<sup>54</sup>.

88. Mr Farrell’s supplementary evidence went on to state that “On the face of it, yes, the BMUZ or the Remarkables Park Special Zone would appear to provide a better fit for the commercial recreation

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<sup>49</sup> Paragraph 3 of Mr Farrell’s supplementary evidence

<sup>50</sup> Paragraphs 4 and 5 of Mr Farrell’s supplementary evidence

<sup>51</sup> Paragraph 11 of Mr Farrell’s supplementary evidence

<sup>52</sup> Appendix B of Ms Hampson’s evidence-in-chief

<sup>53</sup> Paragraph 2.4c of Ms Hampson’s Reply Statement

<sup>54</sup> Paragraph 2.4b of Ms Hampson’s Reply Statement

and community activities described. However it is unclear whether these zones provide sufficient land supply/capacity and pass the competitive margin thresholds”<sup>55</sup>. He considered that there is insufficient capacity in these zones to accommodate commercial recreation activities that occupy large utilitarian designed buildings.

89. Ms Hampson, in her reply evidence stated<sup>56</sup>:

*My evidence is that, notwithstanding the limitations of the BDCA, based on the BDCA results that have been reported, and my knowledge of the detailed underlying models, that an insufficiency of capacity in zones that enable commercial recreation, is unlikely. Commercial recreation activities comprise a small share of the total 49ha of commercial land demand focussed on urban business zones. Urban business zones that enable commercial recreation activities form a subset of total urban Commercial vacant land capacity. The ODP Remarkables Park Special Zone and the BMUZ are two such zones and have large amounts of vacant commercial land area at present, as shown in Figure 3 of Appendix B of my EiC. Vacant capacity in the BMUZ is estimated at 10.5ha, spread across a number of locations in the District. There is an estimated 61.2ha of total vacant commercial land in Remarkables Park (with commercial recreation activities a controlled activity in all but one activity area).*

90. Given that Mr Farrell acknowledged that neither he nor Wayfare provided any detailed or quantified economic analysis on this matter, we prefer the evidence of Ms Hampson. On this basis we agree with Mr Place - that Wayfare’s submission be rejected; and that the plan provisions not provide a more enabling framework for Commercial Recreation and Recreation Activities.

### **Educational Facilities**

91. Mr Keith Frentz, planner for The Ministry of Education (MoE), sought that Educational Facilities be provided for in the GISZ zone. This was not supported by Mr Place.

92. Mr Frentz suggests that “work skills training centres and early childhood education facilities are activities that are intrinsically necessary and compatible with the General Industrial Zone”<sup>57</sup>. On this basis, he considered that Educational Facilities be provided for in the GISZ zone.

93. In relation to work skills training, we are of the view that this type of training can take place in the form of apprenticeships etc through existing Industrial and Service activities within the GISZ. We do not think that any further particular provisions are needed to provide for this activity.

94. As regards early childhood education facilities, we do not consider that these are intrinsically necessary within the GISZ given its purpose and its objectives, and given the relatively small spatial extent of the site, with a range of other nearby zones that provide for early childhood education facilities. We do not find that Mr Frentz has offered any appropriate justification that supports

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<sup>55</sup> Paragraph 10 of Mr Farrell’s supplementary evidence

<sup>56</sup> Paragraph 2.4 of Ms Hampson’s Reply Statement

<sup>57</sup> Paragraph 7.6 of Mr Frentz’s evidence-in-chief

this position, particularly given strategic policy 3.3.8 which seeks to avoid non industrial activities in the land zoned for industrial activities, and the range of possible reverse sensitivity effects that may arise from these activities being located within the GISZ.

95. We also note that the ground truthing exercise undertaken within the ODP industrial zones found no evidence of the 'intrinsic' necessity of education type uses within the zones despite the more enabling ODP framework. We also note that the MoE has the ability to designate sites for Educational Facilities if they decided they need a site/facility within the GISZ for this purpose.
96. While we have not provided for Educational Facilities in the GISZ, we have recommended in response to the MoE submission that they be provided for as a Discretionary Activity in the Three Parks Commercial Zone in Wānaka (See Report 20.4).

### **Emergency Service Facilities**

97. Fire and Emergency New Zealand<sup>58</sup> sought that emergency service facilities (more specifically fire stations) be provided for in the GIZ through specific rules with more enabling status. Mr Place observed<sup>59</sup> that fire stations involve a variety of activities, some potentially well suited to the zone, and some less well suited. He was concerned about the lack of definition of the activity sought to be provided for, and the lack of clarity around the nature of the ancillary activities that would accompany it (e.g. training and residential facilities) that might potentially lead to introduction of activities that were incompatible with the zone purpose. He did not recommend acceptance of the submission and the submitter did not appear to provide more detail about the relief sought, or assurance as to its compatibility with the zone. In the absence of such evidence, we do not recommend acceptance of the submission.

### **Ancillary Activities – Size limitation**

98. A number of submissions<sup>60</sup> were received in relation to the provision of ancillary activities within the GISZ, in particular, ancillary Office, Retail and Commercial activities. The section 32 evaluation report at Issue 2 - Non-industrial activities within the Industrial Zones identified that "*ancillary activities are common among businesses operating within the Industrial Zones, in particular, ancillary Office, Retail and Commercial type activities*"<sup>61</sup>
99. The notified provisions enable Office, Retail and Commercial activities that are ancillary to Industrial and Service activities. This is both in policy and rule terms; the policy enabling those

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<sup>58</sup> Submission #3288

<sup>59</sup> S.42A report of Luke Place at 5.93

<sup>60</sup> Submissions Orchard Road Holdings limited, Willowridge Developments Limited, The Breen Construction Company Limited, J C Breen Family Trust, Upper Clutha Transport Limited, Alpine Nominees Limited, Henley Property Trust, 86 Ballantyne Road Partnership, NPR Trading Limited, Ben and Hamish Acland, Reavers (NZ) Limited, J McMillan, Cardrona Cattle Company Limited, and The Station at Waitiri Limited

<sup>61</sup> Paragraph 7.43, Section 32 Evaluation Report, General Industrial Zone.



ancillary activities, while the rule sets out a specific set of standards for them. A maximum 50 m<sup>2</sup> limit is prescribed in the rules.

100. Submissions received in relation to this matter generally considered the scale of ancillary activities provided for to be too restrictive. Submitters requested an increase in the size limit, with 100 m<sup>2</sup> being common. Others requested a percentage of the GFA, with 30% GFA being the preferred metric.
101. Mr Place, in his section 42A report stated that “*visual inspections of sites within the notified GIZ undertaken during the ground truthing visits did not highlight any substantial or justified need for ancillary activities substantially larger than 50m<sup>2</sup>*”<sup>62</sup>. However, he acknowledged that some office space might be at mezzanine level or at the rear of the site which may not have been visually apparent. He said that he would be “*open to considering information from submitters who presented an evidenced based need for larger ancillary Office, Commercial or Retail space as a permitted activity which also fits in with the overall purpose of the GIZ*”<sup>63</sup>
102. Mr Greaves, planner for the Henley Property Trust, presented evidence seeking that the permitted threshold for ancillary office activities be provided for as 30% of the GFA of all buildings. In his evidence, Mr Greaves provided a table of examples of ancillary office rules in other Districts’ industrial zones. These included the provisions of the Council’s Plans for Christchurch, Dunedin, Invercargill, Central Otago, Auckland and Tauranga<sup>64</sup>. Two themes emerged from these examples; either ancillary office space was not regulated or was provided for as a % of GFA (between 25 and 30%).
103. Mr Greaves also provided an example of consented industrial premises on Enterprise Drive Wānaka in the ODP Industrial B zone (proposed to be zoned GIZ). Three buildings were consented with two having 28% of office vs the overall GFA and one with 37% (noting that these figures included toilet, bathroom and communal lunchrooms).
104. In response to Mr Greaves evidence, Mr Place stated<sup>65</sup>:

*“As outlined in my s42A, I remain open to considering amendments to this rule on the basis of evidence that demonstrates why larger ancillary Office space would be necessary to support Industrial and Service activities. If this information can be provided, my preference would be to amend the existing 50 – 100 m<sup>2</sup> restricted discretionary threshold range, rather than the existing permitted 50 m<sup>2</sup> limit. I also continue to support the use of a GFA m<sup>2</sup> measure*

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<sup>62</sup> Paragraph 5.82 of the Section 42A report.

<sup>63</sup> *ibid*

<sup>64</sup> Table 2 of Mr Greaves evidence for Henley Property Trust dated 29 May 2020.

<sup>65</sup> Paragraph 5.9 of Mr Place’s rebuttal evidence

*as opposed to a % of GFA or site area as proposed by Mr Greaves for the reasons outlined in the s42A report”.*

105. We have already set out earlier our view that it is appropriate to have a single Industrial and Service zone, but with some greater flexibility (in relation to existing Office, Retail and Commercial Services activities). In terms of providing for appropriate ‘flexibility’ within the zone, it was the Panel’s view that most industrial and service activities that are operating efficiently would only provide the necessary amount of ‘ancillary’ space so as to provide maximum floor space for the operation of the industrial and service activity. However, that said, we do consider a limit is required to ensure the ancillary office space is related to the primary activity on the site.
106. We record that Mr Greaves agrees with this. He stated<sup>66</sup>:  
*I accept the position that offices with the General Industrial Zone should have a genuine link to an industrial or service activity occurring onsite. I also accept that the office activity should not be the primary or leading activity occurring onsite and should be ancillary to an industrial or service use however, in terms of managing potential effects of office activities within the General Industrial Zone, I consider a rule framework that sets a GFA percentage for ancillary office space is the most appropriate outcome. I consider this will provide a more practical approach, providing flexibility for the varying scale of businesses that will locate within the Zone while ensuring that the office activities do not become the primary activity on site. In terms of a percentage, I consider that an appropriate threshold would be set at 30% of the Gross Floor Area (GFA) of all buildings on the same site. (emphasis added)*
107. We agree with Mr Greaves, and the other submitter’s seeking the same or similar outcome. We have recommended that the rules be amended accordingly.

**Building Height – 7 metre vs the notified 10 on the Tussock Rise land zoned GIZ – Lot 2 DP 277622.**

108. Submitters Rae and Dave Wilson (3017), and Shona and Bob Wallace (3154) appeared at the hearing to discuss the matter of building heights with respect to the Tussock Rise land. The submitters opposed the notified 10 metre height limit within the GIZ on the Tussock Rise land. Tussock Rise had sought that this land be rezoned from GIZ to BMUZ, and sought a “*slightly reduced height limit, recognising the elevated nature of the Tussock Rise site in particular*”<sup>67</sup> – offering a 10m height limit (12m is the height limit in the BMUZ at Wānaka).
109. Rule 11.5.6(10)(i) of the ODP Industrial B Zone (as applying to this site) states that the maximum height of any building within the ‘Industrial B Zone - Connell Terrace Precinct’ (as identified on the structure plan within the chapter) shall be 7 metres above ground level. Rule 11.5.6(10)(i)(a) identifies a lower building height (3.5 metres) for ‘Special Use Area A’. Note 1 is included within Rule 11.5.6 stating “*For the Industrial B Zone (Connell Terrace Precinct) the ground level is as*

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<sup>66</sup> Paragraph 16 of Mr Greaves’ evidence-in-chief

<sup>67</sup> Paragraph 14.9 of Mr Devlin’s evidence-in-chief

shown on the contour plan entitled the "Industrial B Zone Contour and Zone Plan for Connell Terrace Precinct" Rev C and dated 8 October 2012."

110. The effect of Rule 11.5.6(10) and the inclusion of the contour plan were discussed in the Commissioners' decision on Plan Change 36 (creating the Industrial B Zone)<sup>68</sup> as follows:

*"The finished contour plan we recommend shows the finished ground level (from which building height is measured) significantly lower overall than was notified. With the exception of the finished ground level of those lots adjacent to Gordon Rd, the rest of the site will be lower than was notified, with the finished ground around 0.5 metre lower through the middle of site and up to 1.2 metres lower in the south and south-western parts of the site. Whilst the developer is not required to excavate to those contours, building height will be measured from them and therefore, if they don't excavate to that extent, the building itself will simply need to be lower. If the developer does opt to maximise building height by undertaking earthworks in accordance with the contour plan, then the land will generally be between 0.5 metre and 3.5 metres lower than the current ground level".*

111. Taking into account the information traversed by the previous plan process, the elevated topography of the subject land, the fact that Tussock Rise itself offered a reduced height limit (accepting it was from 12m if it was zoned BMUZ to 10m) and the concerns and issues raised by the submitters at the hearing, we find that a 10 metre height limit across the GISZ land owned by Tussock Rise is likely to result in unacceptable adverse visual effects on surrounding land and their occupiers. We have recommended that the 7 metre height limit be applied over the GISZ land that is owned by Tussock Rise, i.e. Lot 2 DP 477622.

112. However, notwithstanding our recommendation above, we agree with Mr Place who stated in his reply evidence<sup>69</sup>:

*"I do not recommend maintaining the contour plan identified within the ODP Industrial B Zone for this land. I note that the outcome sought by this contour plan did not necessarily require the lowering of the ground level and may therefore result in variable building heights occurring across the land depending on the overall subdivision outcome (i.e. if the ground was lowered prior to the lots being created).*

113. In our view (and Mr Place's) this is likely to create significant costs, either for the subdivider or future lot owners. It may also limit the type of built form that could occur on some sites to the detriment of their use for Industrial and Service activities.

114. We are of the view that the recommended lower height limit in combination with the separation distance of the land from neighbouring non-GISZ land, the BRAs identified on the structure plan,

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<sup>68</sup> Plan Change 36: Creation of an Industrial B Zone and Application of that Zone to Land Adjacent to the Ballantyne Rd Industrial Zone, Report, Reasons, and Recommendations of L Cocks and J Battson - Independent Commissioners, 13 March 2012.

<sup>69</sup> Paragraph 10.11 of Mr Place's Reply Statement

and the landscaping of these BRA (as required by the recommended amendments to Chapter 27), are sufficient to address potential landscape and visual effects of GISZ type development on the site.

### **Pole Heights (Telecommunication)**

115. Spark New Zealand Trading Limited (Spark) and Vodafone New Zealand Limited (Vodafone) presented joint evidence in relation to the height of poles (and attached antennas) to the GIZ, Three Parks Commercial Zone and the Settlement Zone<sup>70</sup>. Mr McCarrison and Mr Clune gave evidence on behalf of Spark and Vodafone respectively, while Mr Horne presented independent expert planning evidence on behalf of both Spark and Vodafone<sup>71</sup>. Mr Holding, Lead Radio Frequency Engineer at Spark, provided engineering evidence. Mr Bray provided independent expert landscape evidence.
116. With respect to the GIZ Spark and Vodafone sought a permitted height of 18 metres with a height in relation to boundary control from residential zone boundaries. The notified plan provided for 11 metre poles (as a default rule).
117. Mr Place, Council's planner, stated in his section 42A report<sup>72</sup>:
- Chorus New Zealand Limited, Spark New Zealand Trading Limited and Vodafone New Zealand Limited (Telecommunication Companies) have requested that a new clause be added to Rule 30.5.6.6(a) to provide for an 18 metre height limit for poles in the GIZ. I consider the requested height of 18 metres to be too high in this location when compared to the building height limits set within the GIZ (being 10 metres), particularly given the submitter outlines that this additional height is necessary for clearance above allowable building heights. I consider 13 metres to be an appropriate height for telecommunications poles within the GIZ taking into account allowable building heights, and recommend that Rule 30.5.6.6(d) be amended to include the GIZ. I therefore recommend that the relief is accepted in part.*
118. Having considered Spark and Vodafone's evidence, Mr Place maintained his view, as set out in his rebuttal evidence, that 13 metres was an appropriate height as a permitted activity. However, for the reasons set out below, we agree with the Spark/Vodafone evidence and have recommended an 18m height subject to the height in relation to boundary control.
119. Mr Holding set out the 'technical' reasons why taller poles (and in this case 18m) are preferred to lower poles. He stated<sup>73</sup>:

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<sup>70</sup> Our recommendations in relation to pole heights for Three Park and the Settlement zone are set out in those reports

<sup>71</sup> Mr McCarrison and Mr Clune are employed by Spark and Vodafone respectively

<sup>72</sup> Paragraph 7.32 of Mr Place's section 42A report

<sup>73</sup> Page 14 of Mr Holding's evidence

**General Industrial Zones:** *The default 11m mast height is insufficient when the permitted building height is 10m. An 18m mast height, which is lower than the 25m normally able to be built in a general industrial zone, is a reasonable height because:*

- *Provides flexibility for optimising the design of the facility to meet the coverage and capacity objectives for that location.*
- *Flexibility to achieve compliance with EME compliance standards in the NESTF.*
- *Typically in an industrial zone, 18-25 m sites are common to provide wider area coverage, reducing the probability of future additional sites closer to or in residential areas.*
- *While 13m is the absolute minimum acceptable this is going to mean that the facility will have compromised performance thereby impacting on the customer experience, or in the instance of non-compliance the site can not be built.*

120. We accept Mr Holding’s evidence that taller poles (18m) are preferable to provide the necessary flexibility for design optimisation to meet coverage and coverage and capacity expectations, as well as achieving compliance with EME compliance standards in the NESTF. We also accept that while 13 metres poles would be an “absolute minimum” this would mean “*compromised performance thereby impacting on the customer experience*”.

121. Mr McCarrison and Mr Horne addressed the impact of the District Plan’s provisions of lower permitted height poles. It was their view that lower height poles would lead to a proliferation of poles as more would be required to ensure full coverage and capacity. This was likely to result in greater adverse effects than fewer taller poles. In line with this Mr McCarrison and Mr Clune addressed the importance of telecommunication infrastructure, and the need for appropriate regulatory responses. In their conclusion to the evidence they stated<sup>74</sup>:

*Telecommunications infrastructure is essential for shaping and enabling the future of Queenstown Lakes district by ensuring that its residents and businesses have the opportunity to be connected internationally and across New Zealand. Changes in the way people access and use telecommunications and data networks is rapidly evolving. It is critical that the regulatory framework provides certainty and enables efficient roll out of current and future technology. (Emphasis added)*

122. Mr Horne addressed the “typical” heights of poles in other District Plans; with the context being that the Queenstown PDP was very conservative in its permitted heights for industrial and commercial zones. He stated<sup>75</sup>:

*“In my experience it is fairly typical to have a 20m to 25m permitted height limit in a district plan for industrial zones and commercial zones other than local and neighbourhood centre type commercial zones<sup>76</sup>. Mr McCarrison has included an appendix of examples of height*

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<sup>74</sup> Paragraph 7.1 of Mr McCarrison’s and Mr Clune’s and evidence-in-chief

<sup>75</sup> Paragraph 22 of Mr Horne’s evidence-in-chief

<sup>76</sup> Where Mr Horne said height in these zones were typically 15 m.

*limits in a number of other recent district plan reviews. Height limits of this nature are routinely requested on district plans by Spark and Vodafone and 20m or 25m was sought for the various business zones in the original submission on the Proposed Plan”*

123. Mr Horne also considered that Mr Place (and Mr Roberts for Three Parks) had placed too much emphasis on the heights of the poles vis-à-vis the permitted building height (i.e. building clearance). In this regard he stated<sup>77</sup>:

*As set out in the evidence of Mr Holding, building clearances are only one factor in determining what height is required. To meet network requirements, Spark and Vodafone often target lower amenity zones such as industrial and larger scale commercial zones to locate their larger sites. I understand from Mr Holding’s evidence that larger/taller sites provide more opportunity to provide coverage to a wider area, clear local obstructions and provide for “down tilt” to better control coverage and reduce interference with other sites. Therefore, the height driver is not just about achieving minimum clearance from the height limit enabled in zones for buildings in general. In higher amenity zones, telecommunications companies often have to compromise on the size and height of sites which can limit capacity, coverage and co-location opportunities.*

*In addition to coverage obstructions from adjacent buildings with only a limited height differential to antennas, I understand from Mr Holding that this can also lead to issues with complying with radio frequency exposure standards at adjacent buildings if antennas cannot be sited a sufficient height above adjacent roofs.”*

124. However, while we accept the ‘technical’ and associated planning arguments, it is important to understand the visual and amenity related effects to determine if taller poles are appropriate. In this regard Mr Bray and Ms Mellsop provided relevant expert evidence for the submitter and Council respectively.

125. Mr Bray supported the relief sought by Spark and Vodafone from a landscape, character and visual amenity perspective. His reasons for this were set out in his evidence where he specifically addressed the landscape qualities and effects of the telecommunication pole heights as sought by the submitter for; the Queenstown, Arrowtown and Wānaka GIZ, Three Parks and the Cardrona Settlement Zone<sup>7879</sup>.

126. Discussing the effects of the pole heights in the GIZ and Three Parks Commercial Zone, Mr Bray stated his view that landscape is “ultimately a human construct –defined by the NZ Institute of Landscape Architects as “the cumulative expression of natural and cultural features, patterns and

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<sup>77</sup> Paragraphs 28 and 29 of Mr Horne’s evidence-in-chief

<sup>78</sup> Paragraphs 7.2 to 7.24 of Mr Bray’s evidence-in-chief

<sup>79</sup> The Wānaka Three Parks and Cardrona Settlement zones are attached in separate reports

processes in a geographical area, including human perceptions and associations”<sup>80</sup>. In expressing this further he stated<sup>81</sup>:

*..“in short, people have expectations of what certain landscapes will contain, and to what extent they will tolerate activities or features that are at odds with those aspects of a landscape that are valued. People are much more tolerant of intensely developed built forms, advertising signage, movement of people and presence of infrastructure in industrial and commercial landscapes than they are of such activities in landscapes that are largely comprised of natural elements.*

127. In this context, it was Mr Bray’s opinion that commercial and industrial areas, such as the GIZ and Three Parks commercial and business areas, are typically much less valued than less developed areas, and certainly ONLs. It was his view that the industrial and commercial areas are functional, urban areas with more limited natural qualities and he stated *“In such landscapes, viewers tend to focus on specific details, usually related to the purpose of their visit”*<sup>82</sup>.
128. Overall, it was Mr Bray’s opinion that when considering landscape management at a broader District Plan scale *“it is sensible (if not obvious) to intensify urban activities in those areas of the landscape that are considered to be less valued, with the aim of reducing such activities in higher valued landscapes. This is usually already inherent in the placing of zones within the district –rarely (if ever) do you see high intensity industrial activities located in the most valued part of the landscape”*<sup>83</sup>.
129. Ms Mellsop considered the evidence provided by Mr Bray. Ms Mellsop considered that Mr Bray’s discussion of landscape character, infrastructure and mitigation of the effects of telecommunications infrastructure in Sections 4, 5 and 6 of his evidence was *“largely robust and accurate”*. However, she did not think he had adequately addressed the influence of zone area and landscape context on the ability of particular industrial or commercial zones to absorb telecommunications infrastructure.
130. Ms Mellsop’s view of Mr Bray’s evidence was, in part, influenced by the following paragraph in her rebuttal evidence<sup>84</sup>:

*I consider that Mr Bray’s assessments of potential landscape and visual effects in the individual zones (in Section 7 of his evidence) are compromised by the absence of site visits*

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<sup>80</sup> Paragraph 4.7 of Mr Bray’s evidence-in-chief

<sup>81</sup> Paragraph 4.8 of Mr Bray’s evidence-in-chief

<sup>82</sup> Paragraph 4.5 of Mr Bray’s evidence-in-chief

<sup>83</sup> Paragraph 4.9 of Mr Bray’s evidence-in-chief

<sup>84</sup> Paragraph 4.5 of Ms Mellsop’s rebuttal evidence

*(acknowledged to be as a result of COVID-19 restrictions) and a lack of comprehensive knowledge of the District's landscapes.*

131. Mr Bray confirmed at the hearing that he had now visited all of the sites and had become more familiar with the District's landscapes. He said that having done this, he still maintained the opinions set out in his evidence. We generally accept and agree with Mr Bray's opinion that the effects of higher pole limits from a landscape, character and visual amenity perspective would be acceptable within the GISZ and Three Parks zones, which already have and/or enable significant urban development.
132. We also agree with Mr McCarrison's and Mr Clune's evidence where they suggest that higher poles should be located in urban areas where they would not be out of scale with the surrounding environment<sup>85</sup>. In our view, 18-metre high poles within the GISZ zone would be commensurate to the scale of existing and future potential permitted buildings within the GISZ.
133. We also support Mr Horne's proposal for a height in relation to boundary rule to apply to poles within the GISZ. We are of the view that this rule would be effective and efficient in managing potential adverse visual effects of such structures where they adjoin residential zones. This would be an appropriate way to achieve Objective 18A.2.4 which seeks to ensure that activities and development within the Zone does not adversely affect the amenity of other zones.
134. Overall, for the technical, landscape and planning reasons set out above, we agree that permitted pole heights of 18m, along with height in relation to boundary rule, is appropriate.

### **Carparking**

135. Policy 11 of the NPSUD prevents Councils requiring car parks (with some exceptions such as accessible spaces) within District Plans. This means developments within the GISZ zone will, ultimately, not need to provide onsite car parking spaces.
136. We have discussed in Section 2.2 of our Introductory Report how we have addressed Policy 11 of the NPSUD in relation to car parking. In summary we have not recommended deletion of all provisions before us related to minimum carparking spaces as the NPSUD requires, as the implementation of the NPSUD within the GISZ in this respect requires a more comprehensive response and we do not have evidence before us as to the form such a response should take. We have recommended that the Council address this comprehensively within the timeframes allowed by the NPSUD, as Mr Place signaled in his Reply evidence.
137. There are some provisions in Chapter 18A and the related variations that may safely be deleted, and we recommend that the jurisdiction provided by the NPSUD be utilised in those cases – as reflected in our recommended revised provisions.

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<sup>85</sup> Paragraph 5.2c of Mr McCarrison's and Mr Clune's and evidence-in-chief



## Queenstown Airport Corporation (QAC) – Activities

138. QAC sought a series of changes to objectives, policies and rules in its submission.
139. Ms Brook, QAC’s planner, filed corporate evidence in relation to QAC’s requests (but did not appear to present that evidence). Mr Place had addressed QAC’s submission and relief sought in his section 42A report as well as his rebuttal and reply evidence. We largely agree with Mr Place’s recommendations in relation to these submissions, essentially for the reasons he states.
140. Ms Brook addressed the issue of buildings heights in the GIZ and the effects of increasing the permitted building height limit from 6m to 10m and the potential costs or benefits to aircraft operations from making this change.
141. Ms Brook accepted (as set out in the section 42A report) that the effect of the “Approach and Land Use Control” designation for Queenstown Airport was sufficient to appropriately control building height in the relevant areas. She stated<sup>86</sup>:
- QAC agrees that the designations should be sufficient to control the extension of buildings and structures into these surfaces, but experience dictates that the statutory obligations to obtain QAC’s approval under section 176 of the Act is often overlooked when considering applications for resource consent. On several occasions QAC has been required to contact an applicant, and the Council, regarding the applicant’s obligations under the designation to ensure that they were met.*
142. Notwithstanding Ms Brook’s position expressed above, she maintained that an advice note was needed to ensure the effect of Designation 4 was taken account of in plan administration. Mr Place did not agree saying that if this approach were taken, this would “*logically precipitate similar advice notes in all zones for the entire range of designations listed in Chapter 37 (Designations). In my view this would not provide for a concise, effective or efficient planning document*”<sup>87</sup>. We agree with Mr Place and do not think an advice note is warranted in this case.
143. In terms of land uses, QAC supported the GIZ not providing for residential accommodation. We agree.
144. With respect to potential bird nuisance Ms Brook stated that refuse facilities have the potential to increase birdlife (near the airport) if not managed correctly. QAC submitted that refuse collection and disposal should be a non-complying activity. In this respect Ms Brook sought that the words “refuse collection and disposal” be removed from Rule 18A.4.10<sup>88</sup> based on potential confusion in regard to its activity status in particular with the definition of Outdoor Storage.

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<sup>86</sup> Paragraph 2.3 of Ms Brooke’s evidence-in-chief

<sup>87</sup> Paragraph 6.1 of Mr Place’s rebuttal evidence

<sup>88</sup> Any activity requiring an Offensive Trade Licence under the Health Act 1956 other than the “collection and storage of used bottles for sale” and refuse collection and disposal” (as listed in that Act)

145. Mr Place addressed this issue in some detail in his rebuttal evidence<sup>89</sup>. He considered, and we agree, that the Ms Brook’s concerns, while well founded, are already addressed in the plan provisions. Mr Place noted that refuse “disposal” is captured by the definition of “Landfill” and also “Waste Management Facility”, within which the act of refuse collection could also be captured. Both ‘Landfill’ and ‘Waste Management Facilities’ are not identified within Table 18A.4 and would therefore be non-complying activities.

146. Mr Place stated in his rebuttal<sup>90</sup>:

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

147. Ms Brook addressed the issue of lighting and glare, and sought that Rule 18A.5.7 (Glare) be amended to reflect possible effects on airport operations. Ms Brook suggested that an appropriate area for any such control to be applied would be the Inner Horizontal Surface as defined in QAC’s Designation, Figure 2 (Queenstown Airport: Airport Protection and Inner Horizontal and Conical Surfaces).

148. We also note that this matter has been addressed in Report 20.11: Remaining Various Variations Amending the PDP Chapters and other General Matters. QAC sought that same relief in the GIZ as Ms Glory addressed in relation to the residential zones. In addition to the reasons set out below, we adopt the reasons and recommendations in Report 20.11 relating to QAC and glare.

149. Ms Glory’s<sup>91</sup> rebuttal evidence addressed the merits of the approach sought by Ms Brook. Ms Glory’s, said in her rebuttal evidence that having read Ms Brook’s evidence, that<sup>92</sup> after:

*“...doing further research on the Auckland International Airport designation and the Civil Aviation Authority standards(‘CAA AC 139-6’), I agree that there is potential to manage glare on the safety of aircraft operations through the PDP”.*

150. Ms Brook suggested that the inner horizontal surface defined in the Queenstown Airport Designation: Figure 2<sup>93</sup> was the most appropriate figure to manage the effects of glare. However, we note that the purpose of the inner horizontal surface (as set out in the Designation) is to prohibit new objects or extensions of objects that penetrate the inner horizontal surface area<sup>94</sup>.

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<sup>89</sup> Paragraphs 6.2 to 6.7 of Mr Place’s rebuttal evidence

<sup>90</sup> Paragraph 6.7 of Mr Place’s rebuttal evidence

<sup>91</sup> Council’s planner addressing the issues relating to Glare

<sup>92</sup> Paragraph 3.2 of Ms Glory’s rebuttal evidence

<sup>93</sup> Appendix Four: PDP Decisions Map Figure 2: Queenstown Airport Protection Inner Horizontal and Conical Surfaces

<sup>94</sup> D.3 Airport Approach and Land Use Controls: Inner Horizontal Surface

Based on this, we do not agree with the figure identified by Ms Brook's suggested in her evidence (at paragraph 3.4), as being an appropriate area of land to address the glare issue. Moreover, we are unclear from the evidence provided by QAC about the extent of the potential for ground lights within close proximity of airports/aerodrome to endanger the safety of aircraft operations. As above, Ms Brook did not appear to give us the chance to discuss these matters with her.

151. Overall, we agree with Ms Glory where she states<sup>95</sup>:

*I do not consider the evidence makes an adequate case for land use rules across a large part of Frankton being needed or appropriate in terms of the existing and proposed framework of objectives and policies for the affected zones.*

*It would appear that the Designation route is more appropriate, although there would need to be analysis and further information by QAC, which determines the areas in which potential hazard to aircraft operations could arise in relation to lighting. A change to a designation would also need to happen outside this plan review process*

**Aurora Energy Limited (Aurora) – Additional Provisions.**

152. Aurora sought some additional provisions to protect the functioning of its network. These included:

- A matter of discretion relating to effects from buildings on electricity sub-transmission and distribution infrastructure;
- A requirement to give consideration to Aurora as an affected party when considering notification of applications, and
- An Advice Note on the need to comply with the New Zealand Electrical Code of Practice for Safe Distances;

153. Mr Place addressed these in his section 42A report, and essentially agreed with the Aurora submission on these matters. He provided the recommended additional provisions in his revised plan provisions attached to the section 42A report.

154. Mr Peirce, Aurora's legal counsel, set out that Aurora's relief sought, among other things, was to roll-over provisions agreed as part of PDP Stage 1 (and Chapter 25 subject to PDP Stage 2) into the Zone Chapters of PDP Stage 3. He stated that this was "*by in large, accepted by the section 42A Report Authors. The support for that relief can largely be taken as read. The reasons for why it is appropriate to include that relief are outlined in the evidence of Ms Dowd*"<sup>96</sup>. This included the matters set out above.

155. For the reasons provided in the section 42A report and Ms Dowd's evidence, we agree with the inclusion of: a matter of discretion relating to effects from buildings on electricity sub-

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<sup>95</sup> Paragraphs 3.8 and 3.9 of Ms Glory's rebuttal evidence

<sup>96</sup> Paragraph 7 of Mr Pierce's legal submissions

transmission and distribution infrastructure, the requirement to give consideration to Aurora as an affected party when considering notification of applications, and an Advice Note being added on the need to comply with the New Zealand Electrical Code of Practice for Safe Distances.

156. We also agree with Mr Place's recommendation<sup>97</sup> that an advice note is not required drawing attention to the relevance of the Chapter 30 provisions related to activities within the National Grid Yard, as sought by Transpower New Zealand Ltd<sup>98</sup>. Unlike the Code of Practice Aurora sought be noted, the National Grid Yard affects a relatively small part of the notified GIZ and if an advice note were inserted for it, that would table questions as to how many other advice notes are required for different elements of other chapters.

### **4.3 Related Variations**

157. Along with Chapter 18A, variations were notified to Chapters 25, 27, 29 and 36.
158. Council's corporate submission<sup>99</sup> sought that Chapter 31 (Signs) be amended to include specific provisions related to management of signs within the GIZ. Mr Place considered<sup>100</sup> the submission to be in scope because it is specific to the consequences of introducing the GIZ, and to fill a gap in the PDP. We agree, the submissions were not the subject of further submission, and we recommend the acceptance of the relevant provisions.
159. A number of submissions addressed the proposed variations to Chapter 27, governing subdivision within the notified GIZ. Mr Place noted four submissions<sup>101</sup> seeking no minimum lot size. Breen Construction Company et al sought more enabling activity status for subdivisions of smaller lots and a series of other amendments related to their broader submissions on Chapter 18A.
160. Mr Place did not recommend no minimum lot size, or a relaxation in the activity status. We agree. Although we have recommended some relaxation of the provisions governing non-industrial activities, the purpose of the GISZ is still fundamentally about providing for industrial and service activities. More enabling provisions for subdivision into small lots has the potential to undermine that purpose.
161. Our recommendations in relation to the Breen Construction Company et al reflect our recommendations on the zoning relief they seek.

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<sup>97</sup> S.42A report of Luke Place at 7.17

<sup>98</sup> Submission #3080

<sup>99</sup> Submission #3129

<sup>100</sup> S.42A report of Luke Place at 7.18

<sup>101</sup> Submissions #3340, #3348, #3349, #3357

162. NZTA<sup>102</sup> sought amendment to Rule 27.5.7(c) to include reference to the safety of the Transport network. Mr Place noted that the relief sought would have broad effect, rather than being limited to the notified GIZ. He also considered that other provisions in Chapter 27 already addressed the point. We agree with his reasoning and do not recommend acceptance of this submission.
163. The Breen Construction Company et al submitters also sought provision for acoustic standards to protect offices within the GIZ. Mr Place did not consider the relief necessary<sup>103</sup> and Ms Mahon's planning evidence did not specifically address this aspect of the submitters' relief. We do not recommend the submission be accepted, for the reasons set out in Mr Place's s.42A report.
164. There do not appear to be any other submissions on the related variations notified with Chapter 18A that we need to address. We note, however, that we have renumbered the location specific subdivision rules due to additional rules having been inserted into Chapter 27 via Environment Court consent orders in the interim. We have also corrected a cross reference in the Connell Terrace rule (now 27.7.14.1) that should have referred to Rule 27.7.1. We therefore confirm our recommendation of the provisions attached in Appendix 1

## **5. REZONING REQUESTS**

165. As an overview, we have not altered the spatial extent of the zone as notified in relation to the zone at Queenstown (Glenda Drive area) or Arrowtown (Bush Creek Road). At Wānaka, we have recommended removing the notified GIZ zone within the Three Parks area, and have 'replaced' it with a combination of Three Parks Business and Business Mixed Use. We address these in some detail below.
166. We note that in Report 20.5, we have not recommended rezoning part of the area within Three Parks zoned as Open Space and Recreation in the notified PDP to GIZ, and have recommended it be retained as Open Space and Recreation.
167. We also address rezoning requests from submitters to have their land rezoned to GIZ from some other zone (Rural and Gibbston Character Zone) later in this report.

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<sup>102</sup> Submission #3229

<sup>103</sup> S.42A report of Luke Place at 6.4

**5.1 Tussock Rise Limited and others Wānaka rezoning request from GIZ to BMUZ.**

168. A number of submissions were received requesting a revised zoning framework in the GIZ area in Wānaka. These rezoning requests broadly seek the same relief as that set out by Tussock Rise Limited (Tussock Rise). Given this we have considered these submissions as a group and refer to



**The Tussock Rise Limited land at Lot 2 DP 477622 shown outlined in red.**

them as Tussock Rise<sup>104</sup>.

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<sup>104</sup> Submitters #3128.1 #3128.3 Tussock Rise Limited #3044.1 M Hetherington #3079.2 G Cotters 3#130.1 Bright Sky Land Limited #3132.1 E Barker #3134.2 I Piercy #3137.1, #3137.2 M Wheen #3147.1 M Barton #3161.1, #3161.8 Alpine Estates Ltd #3283.1 N Perkins, #3034.1 A McConnell, #3049.1 P Wheen, #3070.4 S Vogel #3381.1 D Murdoch #3298.5 NPR Trading Limited

169. Tussock Rise sought that the areas in the ODP Industrial A and Industrial B Zones on both sides of Frederick Street and to the north of Frederick Street, including the submitter's land at Lot 2 DP 477622, be rezoned from GIZ to BMUZ.
170. We received considerable evidence on the rezoning request from the Council (mainly economic evidence from Ms Hampson and planning evidence from Mr Place) and from Tussock Rise (Mr Carr – transport, Dr Trevathan – noise, Mr Ballingall – economic, and Mr Devlin – Planning) as well as legal submissions. In terms of the rezoning request we have focussed on the economic and planning evidence as it is these matters that we have found to be determinative of our recommendation.
171. We record at the outset we have ultimately preferred the economic and planning evidence of the Council, and are more persuaded by it; that the zoning of the land is more appropriate as GISZ and therefore should remain GISZ with the modifications recommended by us as already addressed earlier in this report (particularly the range of activities we have now either enabled or provided for), than rezoning it BMUZ.
172. In summary the case for Tussock Rise was that:
- the proposed GIZ is a restrictive planning framework that does not reflect the existing mixed-use nature of the Wānaka Industrial Area or the apparent demand for BMUZ. The ground truthing by the Council and Tussock Rise (as already reported on) demonstrates that the receiving environment of the Wānaka industrial area is split roughly 50/50 between predominantly industrial and service activities and non-industrial activities;
  - There is more than enough industrial zoned land available in Wānaka to meet demand for the next 30 years, and that rezoning the Tussock Rise land from GIZ to BMUZ would not result in their being insufficient land to satisfy the demand for industrial land; and
  - That there is a surplus of land zoned for industrial activities, and this land would likely remain idle due to a lack of demand. It would be more efficient to rezone it to enable more productive uses to generate jobs, incomes and wellbeing under the BMUZ.
173. We set out below the economic arguments and positions of the two economists and then address the planning experts' responses to that evidence. We then set out why we ultimately prefer the approach supported by the Council's experts. However, as addressed below we do not think Ms Hampson and Mr Ballingall were comparing 'apples with apples'. In hindsight, we should have required expert conferencing between the two experts with respect to their evidence and the amount of land they considered appropriate to be zoned GISZ. Notwithstanding this, as stated, we have ultimately preferred the Council's evidence.
174. It was Mr Ballingall's evidence, in summary, that:
- Rezoning the Tussock Rise land from GIZ to BMUZ would have no material impact on industrial land availability in Wānaka.
  - A more flexible BMU zoning for the Tussock Rise land would improve the efficiency of Wānaka's land use, providing for greater economic wellbeing.
175. He read the updated Business Development Capacity Assessment (BDCA20) as showing there is ample industrial zoned land in Wānaka to accommodate future demand. He addressed in some

detail at paragraphs 10 – 14 of his evidence-in-chief about the “surplus” of land zoned for industrial activities. It was his view that rezoning 5.3ha at Tussock Rise from GIZ to BMUZ or a blend of BMUZ and Low Density Suburban Residential (LDSR) would still leave 9.5ha of surplus industrial land, and that any additional land that is zoned Industrial between now and 2048 would add to this surplus<sup>105</sup>.

176. On this basis he went on to state that is more than enough industrial-zoned land available in Wānaka to meet demand for the next 30 years<sup>106</sup>:

*Industrial land demand could be 75% higher than projected in the BDCA20 to 2048 and still not exhaust the available industrial land supply if Tussock Rise were to be rezoned. In the medium term to 2028, industrial land demand could be over 300% higher and not exhaust available land supply.*

*Based on these numbers, rezoning Tussock Rise would clearly not have a material impact on the prospects for the Wanaka industrial economy.*

177. Ms Hampson was somewhat critical of Mr Ballingall’s evidence-in-chief, pointing out that at paragraph 6, Mr Ballingall “confirms the purpose of his evidence. This is to “assess the extent of land available for industrial economic activity in Wanaka should the Tussock Rise site... be rezoned to Business Mixed Use (BMU).” and not the implication of the wider rezoning requests made by Tussock Rise (and others).

178. Ms Hampson pointed out that<sup>107</sup>:

*“the scope of Mr Ballingall’s differs to the wider rezoning outcome submitted by TRL (as illustrated in the TRL Submission), replicated in Figure 11 of my evidence in chief (EIC) and understood to be supported through Mr Devlin’s evidence..... For example, the zoning supported by Mr Devlin retains an area of GIZ to the west of Ballantyne Road, while increasing the GIZ on the east of Ballantyne Road over land that Council notified as Active Sport and Recreation Zone.*

179. As Ms Hampson pointed out in her rebuttal evidence, the scale of the effect of not zoning the Tussock Rise site GIZ as notified can only be known once the decision on all submissions relating to the GIZ are made, and the cumulative effect of decisions on zoning submissions in terms of relief sought in Three Parks, the Active Sports and Recreation Zone and around Gordon Road and Frederick Street can be understood<sup>108</sup>.

180. With respect to the GIZ zoning in the Three Parks area, and the Active Sports and Recreation Zone (set out in separate reports 20.4 and 20.5), we record that we have recommended removal of the

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<sup>105</sup> Paragraph 12 of Mr Ballingall’s evidence-in-chief

<sup>106</sup> Paragraph 13 of Mr Ballingall’s evidence-in-chief

<sup>107</sup> Paragraph 3.2 of Ms Hampson’s rebuttal evidence

<sup>108</sup> Paragraph 3.5 of Ms Hampson’s rebuttal evidence



GIZ zoning in the Three Parks area; and have recommended retaining of the existing zoning over the entire area notified as Active Sports and Recreation Zone (and have not zoned part of that site to GIZ as sought by Tussock Rise).

181. Mr Ballingall and Mr Devlin provided a supplementary statement of evidence<sup>109</sup>. This was in response to the Panel's request to demonstrate the effect on vacant industrial land supply for Wānaka if the Tussock Rise submission was accepted in full. They stated<sup>110</sup>:

*The Tussock Rise submission would result in additional vacant General Industrial zoned land of 11.9 hectares on the former wastewater treatment pond site.*

*The Tussock Rise submission would result in a reduction of vacant General Industrial zoned land as follows:*

*(a) Tussock Rise site (6.1 hectares)*

*(b) Vacant sites currently in ODP Industrial A zone (0.5063 hectares)*

*(c) Vacant sites currently in ODP Industrial B zone (0.7779 hectares)<sup>1</sup>*

*(d) Vacant sites currently in the ODP Three Parks (Business Sub-Zone area) (estimated at 2.7 hectares)*

182. It was further stated<sup>111</sup>:

*The result of the Tussock Rise submission being accepted in full would be that Wanaka still has vacant zoned industrial capacity of 17.4 hectares. This would be more than adequate to absorb the BDCA20's projected industrial land demand to 2048 of 12.3 hectares.*

*The Tussock Rise submission would leave 5.1 hectares of surplus vacant industrial land. This implies industrial land demand could be 41.5% higher than projected in BDCA20 and there would still be no shortage of vacant land.*

*This analysis assumes no additional industrial land is made available through other submissions on the PDP process (e.g. Universal developments in Hawea), other than that provided for in the Tussock Rise submission.*

183. Ms Hampson addressed Mr Ballingall's and Mr Devlin's supplementary statement in her reply evidence (dated 4 September 2020). She raised concerns with the analysis they provided<sup>112</sup> and the resulting long term surplus of industrial capacity of 5.1 hectares. Her analysis of their

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<sup>109</sup> Dated 13 August 2020

<sup>110</sup> Paragraphs 4 and 5 of the supplementary statement of evidence

<sup>111</sup> Paragraphs 7-9 of Mr Ballingall's and Mr Devlin's supplementary statement

<sup>112</sup> Paragraph 3.2 – a – h of Ms Hampson's Reply Statement.

calculations (referred to as “corrections in approach”) was that the surplus is 10.3 hectares and not 5.1 hectares. She stated<sup>113</sup>:

*Whether you use TRL’s corrected approach or my own ..... the surplus of GIZ vacant capacity in Wanaka is around 10ha if you apply the TRL submission to the notified GIZ (and do not account for any other decisions on GIZ re-zoning). The surplus is not 5.1ha as reached in the TRL analysis of their supplementary statement.*

*Clearly, the developable 8.4ha of the Wastewater Ponds site accounts for the majority of that (approximately) 10ha surplus.*

184. Notwithstanding Ms Hampson’s concern about the analysis, it is apparent that how the land proposed to be zoned Active and Sport and Recreation is treated is a key element in the assessment of available industrial and service land. Tussock Rise sought that approximately 12 hectares of that site be zoned GIZ. As set out in their supplementary evidence they relied on Tussock Rise’s submission being given effect in full (i.e. including the 11.9 hectares on the former wastewater treatment pond site) to calculate the available vacant land for industrial purposes.

185. As already mentioned, we have not recommended that 11.9 hectares (or any other amount) of the land be rezoned GISZ from the notified Active Sport and Recreation (ASRZ). The full reasons set out in Report 20.5. Accordingly, this is land that cannot be used in terms of calculating available GISZ land as suggested by the Tussock Rise witnesses.

186. Notwithstanding the difference of opinion in the evidence of Ms Hampson and Mr Ballingall, both agree there is sufficient land to cater for projected long-term demand for industrial and service activities. However, it is clear that both experts are relying on different parcels of land being available to meet the demand for industrial purposes; Ms Hampson on retaining the Tussock Rise land as proposed GIZ and Mr Ballingall on some of the former oxidation ponds being zoned for industrial purposes.

187. Mr Devlin set out in his Summary Statement<sup>114</sup>:

*The loss of the Tussock Rise site (which is the largest vacant site in the wider area requested for rezoning to BMUZ) will not have a significant impact on industrial land supply for Wanaka”.*

188. We accept this may have been correct had we recommended the 11.9 hectares of the land proposed to be ASRZ be zoned GISZ; but we have not. In this respect we accept that the Council’s decision to allocate all of its land for sports/public use and not industrial (which we accept could be suitable for industrial use), means that from a supply of industrial land perspective the Tussock Rise land is required for industrial use as notified.

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<sup>113</sup> Paragraphs 3.6 and 3.7 of Ms Hampson’s Reply Statement

<sup>114</sup> Paragraph 1.4 of Mr Devlin’s Summary Statement

189. We also note that we have recommended that the land on the eastern side of Ballantyne Road (within the Three Parks area) notified as GIZ be mainly rezoned Three Parks Business, and an extension to the BMUZ<sup>115</sup>. This, in part, reinforces our view that the Tussock Rise site should remain as GISZ. Moreover, as we set out below, there are other planning reasons why the Tussock Rise land is most appropriately zoned GISZ.
190. Mr Devlin also provided supplementary evidence on the NPSUD in relation to the rezoning sought by Tussock Rise. He opined that rezoning his clients land to BMUZ would be consistent with, and not contrary to, the NPSUD<sup>116</sup> and would contribute to a well functioning urban environment due to nature of activities the zone would enable and its location (in terms of accessibility) – being close to the Wānaka Town Centre and Three Parks Business Zone. We do not necessarily disagree with Mr Devlin. However, we also consider that retaining the notified (but modified) GISZ would also be consistent with, and not contrary to, the NPSUD. This is because GISZ land (in combination with other zones such as the adjacent Three Parks Business Zone and BMUZ) would also contribute well functioning urban environment.
191. Mr Devlin’s opinion appeared to be based, in part at least, on the view that there was an over-supply of GIZ land and that this was inefficient and in terms of the NPSUD, and therefore rezoning to BMUZ would ‘better’ meet the NPSUD (and be a well functioning urban environment). We do not agree with this in terms of the policy direction of the NPSUD, or for planning/resource management reasons which we set out below.
192. We have addressed the NPSUD in some detail in the Introductory Report 20.1, and do not repeat that discussion. However, of particular note here is that Policy 2 of the NPSUD requires all local authorities with urban environments within their boundaries to “*at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term and long term*”.
193. As discussed in the Introductory Report, we accept there is a greater emphasis in the NPSUD on enhanced supply of land in urban environments for residential and business purposes, but this is an issue of degree, and therefore discretion. The NPSUD does not direct provision of an infinite number of sites for residential or business use, without regard for the extent to which this might actually be required. However, in the case of the Tussock Rise land, we do not agree that there has been an excessive ‘over-supply’ of land zoned GIZ in Wānaka as suggested by Mr Devlin and Mr Ballingall. On this basis we do not accept that it is economically inefficient to zone this land GISZ based on the arguments advanced by Mr Devlin and Mr Ballingall.
194. Having made this finding, the question before us is whether it is strategically important for the land to remain zoned GISZ (as a largely greenfield site) to provide the opportunity for cohesive

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<sup>115</sup> The reasons for this are addressed in more detail in Report 20.4 – Three Parks

<sup>116</sup> Paragraph 17 of Mr Devlin’s supplementary evidence

expansion for industrial, service and selected trade supply growth over the long-term, or whether is more appropriately zoned BMUZ.

195. Mr Devlin provided planning evidence for Tussock Rise et al<sup>117</sup>. In support of his planning opinion that the Tussock Rise site be re-zoned BMUZ, he set out what he considered the strategic context of the Wānaka industrial area, and why the GIZ was not the appropriate zoning but BMUZ was. We address these matters below.
196. Mr Devlin presented a description of his view of the Wānaka industrial area stating: “*almost all land surrounding what I have called the ‘Wanaka Industrial Area’ is zoned for residential development of some shape or form*”<sup>118</sup>. He also noted that Wānaka has grown to surround the industrial area and that it is no longer on the edge of town and as such, the proposed ‘pure industrial’ approach taken on by the GIZ is inappropriate in this location. He also addressed the issue that only vacant land should be zoned GIZ. In addition to the economic position (already addressed above), Mr Devlin advanced these arguments as to why the GIZ zone was inappropriate.
197. We have already addressed the issue of the GISZ being a ‘pure industrial’ zone. For the reasons we have already set out, we do not agree with this characterisation. We do not address it further here.
198. With respect to Mr Devlin statement that the notified Wānaka GIZ is surrounded on almost all sides by residential activity, we do not entirely agree. The Wānaka GIZ borders a range of zone boundaries, including proportions of the proposed Active Sports and Recreation Zone, Rural Zone, Rural Lifestyle Zone the Three Parks Business zone and the BMUZ. There are adjacent residential purpose zones, particularly on the western boundaries. Where this occurs, Building Restriction Areas have been identified as well as plan provisions (including rules) to address reverse sensitivity issues. We do not find that this would be a reason to not zone the Tussock Rise site GISZ.
199. Moreover, part of Mr Devlin’s argument is his suggestion that the Wānaka industrial area no longer represents the “*edge of town*”<sup>119</sup>. This implies that it is inappropriate to locate GISZ in this location, and that it should be located further away from Wānaka’s commercial and residential areas. We disagree.
200. We find there is nothing within Strategic Chapters 3 (Strategic Direction) or 4 (Urban Development), nor in Chapter 18A, which indicates that industrially zoned land needs to be

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<sup>117</sup> Evidence-in-chief, rebuttal, supplementary evidence in relation to the NPSUD and supplementary evidence responding to the Panel’s questions.

<sup>118</sup> Paragraph 4.10 of Mr Devlin’s evidence-in-chief.

<sup>119</sup> Paragraph 4.11 of Mr Devlin’s evidence-in-chief

located on the 'edge of town'. Nor does it stipulate any other specific locational requirements for industrially zoned land. As set out by Mr Place<sup>120</sup>:

*"The locational characteristics of the Wanaka GIZ are not dissimilar to other areas of GIZ, including those in Arrowtown and Glenda Drive where ODP or PDP commercial and residential purpose zones have been positioned in relatively close proximity. This demonstrates the GIZs highly strategic local service and employment characteristic".*

201. As we have addressed earlier, Ms Hampson, in her evidence-in-chief, highlighted the strategic economic benefits that can arise for the industrial economy from existing industrial or business areas; in particular, key synergies and agglomeration benefits between neighbouring activities, greater transport efficiencies and reducing potential for externality effects by containing effects to a single location rather than dispersing them across multiple locations. In her reply evidence, Ms Hampson specifically addressed this issue in relation to the Tussock Rise relief and the benefit of having industrial and service activity in an accessible location within the urban environment - that<sup>121</sup>:

*"It is appropriate that a well-functioning urban environment should provide good access to industrial, retail, office, commercial, recreational, community, medical and many other activities. This rationale is not however sufficient to justify substitution of the TRL site to BMUZ if the consequence of that substitution is needing to find new and discrete locations for the GIZ beyond the urban growth boundary sooner than would otherwise be the case".*

*It is my evidence that for a market the size of Wanaka (and its surrounding catchment), greater economic efficiency and benefits will be achieved from consolidating industrial and service activity in its current location over the long-term future compared to an outcome where that activity is potentially spread over two (or more) locations in order to meet future demand. The greenfield capacity of the TRL owned site helps achieve that outcome for the GIZ.*

202. We further note that Policy 1 of the NPSUD (well functioning urban environments) includes  
*".....urban environments, that as a minimum:  
(e) support reductions in greenhouse gas emissions;"*
203. Policy 1 of the NPSUD would suggest that strategically locating zone activities, as opposed to pushing them to the outskirts of the town them as suggested by Mr Devlin in this case, is at least encouraged so as to contribute to well functioning urban environments.
204. Mr Devlin's position that the GIZ be moved further 'out of town' would not, in our view, meet the expectation of aspects of the NPSUD, nor the strategic level directions of the District Plan. This view is reinforced by the actual nature of the GISZ, which we have already addressed earlier – i.e. it is not primarily a Heavy Industry Zone. The location of the Wānaka GISZ is in our view

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<sup>120</sup> Paragraph 9.8 of Mr Place's rebuttal evidence

<sup>121</sup> Paragraphs 4.2 and 4.3 of Ms Hampson's Reply statement

strategically located to serve a wide range of Wānaka’s service and employment functions, and these would be undermined by the relief requested by Tussock Rise et al.

205. In terms of the ‘strategic context of the Wānaka industrial area’ discussed by Mr Devlin, the zoning of the Tussock Rise site cannot be seen in isolation of the surrounding zoning pattern, and in particular the zoning recommendations we have made in relation to the Three Parks Area. Accordingly, this recommendation report needs to be read alongside that for Report 20.4 where we have recommended additional land be zoned BMUZ and Three Parks Commercial, along with the introduction of the Three Parks Business Zone.

206. Mr Ballingall and Mr Devlin set out why, in their opinions, the Tussock Rise site should be rezoned. The reasons have been fully set out above. We have also addressed Ms Hampton and Mr Place’s opinions why they consider the site is more appropriately zoned GIZ. One of the areas of disagreement between the parties is that the Council’s experts consider that the activities or greater flexibility of activities provided for in the BMUZ (as sought by Tussock Rise) are adequately provided for in the combination of Three Parks Commercial Zone, the Three Parks Business Zone, the BMUZ on Sir Tim Wallis Drive, part of Ballantyne Road and at Anderson Heights.

207. Mr Ballingall expressed his view on this in his evidence-in-chief, stating<sup>122</sup>:

*On the supply of BMU, Ms. Hampson states in relation to Tussock Rise there are “multiple other zones in Wanaka” that allow BMU activities, at “and often at more efficient locations” (EIC, 18 March 2020, para 16.10, p.90). However, my understanding is there is only one designated BMU Zone in Wanaka at Anderson Heights (which is almost fully developed), with some additional BMUZ proposed in Three Parks as part of Stage 3. I understand the Three Parks proposed re-zoning is in a single land ownership, giving it a virtual monopoly on the supply of this zoned land.*

*In my view, the BDCA20 and Ms. Hampson’s EIC, when combined, indicate there is more likely to be excess demand for BMU activities than for industrial activities (for which there is clearly an excess supply).*

*Allocating more land to BMU would be a sensible option and more efficient use of land in Wanaka, particularly noting the evidence of Mr. Devlin which describes the close proximity of the Tussock Rise site to the Wanaka town centre, the Three Parks commercial centre, and nearby educational and recreational facilities. Mr. Devlin also notes the wider Wanaka industrial area of which Tussock Rise forms a part is no longer on the edge of town and is in fact surrounded by residential zoning on almost all sides.*

208. In her evidence-in-chief, Ms Hampson provided context in regard to the economic benefits of implementing a more restrictive planning framework within the GIZ. In particular, she saw the primary benefits arising from better protecting the large number of existing Industrial and Service activities located within the Zone, and providing them with a zoning framework that would enable them to sustain their operations and provide opportunities for long term growth. In addition, she

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<sup>122</sup> Paragraphs 41 – 43 of Mr Ballingall’s evidence-in-chief

opined that the Zone provisions would ensure any remaining vacant capacity was made available for Industrial and Service activities.

209. Ms Hampson considered that the application of BMUZ in the Wānaka GIZ would significantly reduce the likelihood that vacant sites within the GIZ would be developed for Industrial or Service activities<sup>123</sup> and would put greater pressure on the commercial viability of existing industrial and yard based businesses as they would drive land values further upwards<sup>124</sup>. In Ms Hampson's view, any likely economic benefits associated with land uses associated with activities likely to develop from a BMUZ regime in this location would be marginal when other zones in Wānaka already enable this form of activity.
210. Ms Hampson maintained her view expressing in her Reply Statement that the zoning sought by Tussock Rise would not stimulate a net increase in projected economic growth in Wānaka. In this respect, she stated<sup>125</sup>:

*The businesses/jobs that Mr Ballingall envisages on the TRL site if zoned BMUZ can be accommodated in other existing and proposed zones (including the BMUZ) where there is more than sufficient vacant and competing capacity relative to projected demand growth according to the BDCA. Zoning the TRL site BMUZ would provide another location option for those business (i.e. employment growth spread over one more zone area), with all locations potentially growing slower as a result. While the NPS-UD encourages a competitive market, the advantages of a marginal increase need to be weighed up with the disadvantages of reducing long-term consolidation of industrial, service and trade supply activity.*

211. The application of a BMUZ would provide a much more enabling framework for a wide range of activities, including Office, Commercial, Retail and Residential activities. We accept the Council's evidence that these activities adversely affect the establishment, operation, and long term growth of Industrial and Service activities. These include reverse sensitivity effects, competitive market disadvantages, increased vehicle/pedestrian related traffic conflicts between the different uses, their customers and staff, and the resulting loss of industrially zoned development capacity.
212. We have also addressed the issue of industrial land capacity at Cromwell. Although not addressed in its evidence, Tussock Rise's submission stated:

*"There is more than sufficient industrial land zoned in the Wanaka ward of the Queenstown Lakes district, and also in Cromwell. ....Queenstown and Cromwell also provide capacity for the Wanaka ward".*

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<sup>123</sup> Paragraph 16.9 of Ms Hampson's evidence-in-chief

<sup>124</sup> Paragraph 16.10 of Ms Hampson's evidence-in-chief

<sup>125</sup> Paragraph 4.6 of Ms Hampson's Reply Statement

213. Ms Hampson discussed the role that Cromwell plays in meeting industrial demand for Queenstown and Wānaka in her evidence-in-chief. She stated<sup>126</sup>:

*I have not assessed the long term sufficiency of industrial zoned land in Cromwell and cannot comment on that. I would however refer to my research in the Industrial Report (Appendix A) which specifically examined the role of Cromwell in meeting the industrial demands of Wanaka and Wakatipu Wards. My findings are that Cromwell relies more on the industrial activity in the Wakatipu Ward than the other way around. There is only minor trade of industrial goods and services from Cromwell to Wanaka Ward. This is discussed in Section 3 of my Industrial Report. This analysis demonstrates to me that Cromwell is not a solution for a shortfall of industrial land supply in QLD and cannot be relied upon to meet the needs of Wanaka or Wakatipu Ward. Central Otago District is also experiencing strong growth and any capacity in Cromwell will be important for meeting their district demand. Further, Wakatipu Ward cannot be relied upon to address a shortfall in the Wanaka Ward and vice versa. Each market is primarily focussed on supplying local business and household demand – hence the high level of similarity in the mix of activities supplied in each catchment. Any capacity that Queenstown and Cromwell provide for Wanaka is only minor.*

214. In the absence of any evidence to the contrary from Tussock Rise, we have no reason to question Ms Hampson’s view expressed above in relation to the Tussock Rise submission<sup>127</sup>.
215. For all of the reasons set out above, it is our recommendation that the Tussock Rise site be zoned GISZ.

## **5.2 Glenda Drive area, Queenstown**

216. Four primary submissions were received relating to land at the Glenda Drive area, at the north-eastern end of Frankton Flats.

### **Queenstown Airport Corporation<sup>128</sup>**

217. QAC controls a long, 3.27ha strip of land adjoining the south-western-most end of the developed Glenda Drive industrial area and adjacent to the bulge in Hawthorne Drive where it extends around the eastern edge of Queenstown Airport. A small part of it was notified GIZ through Stage 3 of the PDP. QAC has requested that this small part be rezoned to either an Airport zone, Frankton Flats B zone (Activity Area E1), or Rural zone. We note that these alternatives cover a wide range of quite different land use outcomes.

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<sup>126</sup> Paragraph 16.3 (e) of Ms Hampson’s evidence-in-chief

<sup>127</sup> Cromwell was addressed by Mr Angus for CCCL, and we address this below in relation to CCCL’s submission to rezone land at Victoria Flats GISZ

<sup>128</sup> Submission #3316.21



218. In his s.42A report<sup>129</sup>, Mr. Place recommended the relief sought be rejected. Mr Place acknowledged that the land had unusual characteristics including that it is in part split-zoned between the Frankton Flats B zone (the majority of it), and rural zone via PDP stage 1 (its southern-most extent). We note that the PDP stage 1 rural zoned land is under appeal by QAC, which seeks an Airport zone. He ultimately concluded that retaining the land within the GIZ was the most appropriate solution.
219. QAC submitted evidence prepared by Ms. Melissa Brook, a planner employed by QAC. However this evidence did not address the rezoning request and was focused on other matters. QAC did not otherwise participate in the rezoning aspect of the Hearing.
220. We find that there is no sound basis to the rural zone request. This would create a thin sliver of land unlikely to be of a sufficient area to be utilised for rural activities, largely surrounded by urban zoned land. The only basis for the rural zone would be that it would connect to the PDP Stage 1 land at the southern end of the land that was determined as rural zone. But QAC is itself appealing that decision seeking an Airport zone. If successful in its appeal, QAC's request for this additional small strip of land to be rural zone would become even more out of place.

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<sup>129</sup> S.42A report of Luke Place, Stream 17, paragraphs 9.1 – 9.10.

221. In terms of the Frankton Flats B zone, this would bring the affected part of the Site into line with the zone that applies to the majority of the submitter's site. This is a zone that Mr. Place highlights as not to date having been carried into the PDP. Amongst other things, this also means that its objectives, policies and methods have not been considered in light of the PDP strategic framework and we have no evidence to demonstrate that it as a package is sufficiently compatible with that framework that it can be so simply carried across. For that reason, we do not agree that it has been proven to be a satisfactory alternative for us to consider.



Aerial photo of subject site showing area of the QAC re-zoning request outlined in red.

222. We are left with the alternative of an Airport zone. We find that this is deficient for the same reason as the Rural Zone to the extent that there is a risk of a very small part of the site having a zone that does not relate to any of the land that surrounds it. We acknowledge that a Stage 1 PDP appeal by QAC to achieve an Airport zone on the land at the southern end of the site, but at this stage, we are unable to understand or reach a view on how likely that outcome may be.

223. Ultimately and in light of the uncertainty that affects the QAC land that is subject to an appeal and the timing and context of when (or if) the Frankton Flats zone is itself brought into and re-cast under the PDP framework, it would be inefficient and ineffective to change the land's zone at this time. Retaining the land within the GISZ does ensure it will form part of a contiguous strip of land use activity along Glenda Drive and in the circumstances, we find that this is the most appropriate resource management outcome.

224. For the above reasons, we recommend this submission is **rejected**.

**M-Space Partnership Ltd<sup>130</sup>**

225. M-Space Partnership Ltd have submitted that land at 7, 11, 12, and 17 Sutherland Avenue, and 225 Glenda Drive, be rezoned from GISZ to either BMUZ or a Glenda Drive-specific industrial zone that makes more provision for mixed use commercial and residential activities.

226. In the submission, the wide range of activities that already exist, and which would become prohibited activities under the notified zone provisions, were identified as being more compatible with the BMUZ.

227. In his s.42A report<sup>131</sup>, Mr. Place recommended the relief sought be rejected. Mr Place was principally concerned with a reduction of industrial-zoned land as well as creation of what he termed an “island” of BMUZ within an industrial zone setting.

228. The submitter called no expert evidence and did not appear at the hearing.

229. The sites in question do not form a contiguous land holding, and they are interspersed amongst a number of GISZ-zoned properties that are not subject to the submission. This immediately creates the prospect of a very irregular and stop-start zone pattern differentiating individual allotments and we do not accept that such a fragmented pattern of very different land use zones is workable or justifiable.

230. We received no evidence in support of introducing BMUZ, and in particular the substantially greater emphasis on residential and retail-type commercial activities it enables, to the Glenda Drive industrial area. Based on our own site inspections of the area, which also took in the wider Frankton Flats and Remarkables Park areas, we do not agree that there is any apparent resource management benefit in creating pockets of potentially residential-dominant (or wholly residential) activities within it.



Aerial photo of subject site showing area of re-zoning request of M Space Partnership Ltd outlined in red.

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<sup>130</sup> Submission #3352.1 and #3352.2

<sup>131</sup> S.42A report of Luke Place, Stream 17, paragraphs 9.64 – 9.74

231. We prefer and accept Mr. Place’s analysis of this scenario where he advised us<sup>132</sup>:

*“...the application of a BMUZ in Glenda Drive would provide a much more enabling framework for a wide range of activities, including Office, Commercial, Retail and Residential activities, that are known to have adverse effects on the establishment, operation, and long term growth of Industrial and Service activities. These include reverse sensitivity effects, competitive market disadvantages (in terms of m2 profitability and land value increase within the proposed GIZ), increased vehicle/pedestrian related traffic conflicts between the different uses, their customers and staff, and the resulting loss of industrially zoned development capacity.”*

232. This leaves for consideration the second limb of the submission, being a modified industrial zone that was more enabling of residential and commercial activities. We see this as raising the same fundamental issues as the BMUZ; while we have received substantial evidence relating to the need and justification for the extent of the GIZ zone proposed by the Council, we have no evidence supporting any need for additional residential or commercial activities in the Glenda Drive area or its wider context. We are ultimately satisfied that there is no such demand or need, although this is not of itself determinative of whether the submission should succeed or fail.

233. Our own observation of the land and its context is that it does not stand out as an appropriate location for residential or commercial activities. When we consider the strategic objectives and policies of the PDP in Chapter 3, we find that the land:

- a.) Is located relatively close to the Queenstown Airport runway and Queenstown oxidation ponds, and is in an immediate land use environment that is likely to generate nuisance and noise.
- b.) Is not spatially proximate to public open space or an identified commercial centre.
- c.) Does not integrate logically or successfully as a location of residential or commercial-dominant land use in the scheme of the wider Frankton Flats as a whole, and where the eastern ‘fringe’ of the land stands out as being suited to lower-intensity, lower-value employment activity.

234. We see the above as indicative that the relief sought is not appropriate. We suggest a very compelling evidential case would be needed to overcome our concerns and no such case was put forward that might have persuaded us to disagree with Mr. Place’s recommendations.

235. The submitter did not specify what such a modified industrial zone might look like or contain, and this has limited our ability to test its merits. As has been discussed separately in our report, we have identified a need to change the provisions of the GISZ to make clear what it intends to achieve, and to also better-recognise existing activities occurring within the zone at this time. We are satisfied that this is likely to offer partial relief to existing development on some of the allotments that are subject to the appeal. On this basis we recommend the submission is **accepted in part**.

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<sup>132</sup> Ibid., paragraph 9.66

236. In our view, no further changes or relief are appropriate.

**J McMillan<sup>133</sup>**

237. J McMillan has requested that an area of land on the northern side of Stage Highway 6 at 179 Frankton-Ladies Mile Highway be rezoned from MDRZ zone to GIZ.

238. In his s.42A report<sup>134</sup>, Mr. Place recommended the relief sought be rejected. Mr Place was principally concerned that creating an area of GIZ north of SH6 would not achieve strategic PDP policy 4.2.2.2 in relation to connectivity and integration with other GIZ land.

239. The submitter called no expert evidence and did not appear at the hearing.

240. The land on the northern side of Frankton-Ladies Mile Highway is a long and narrow linear flat area that rises steeply upwards as Queenstown Hill. To the north-east of the land subject to the submission and wrapping around and up the eastern elevated base of Queenstown Hill (with views of Lake Hayes) is the established Quail Rise residential neighbourhood. The land that is the subject of the submission was zoned MDRZ in Stage 1 of the PDP (and is under appeal). The extent of MDRZ extends to the south-west and includes a strip of BMUZ land extending west from Hawthorne Drive to Joe O'Connell Drive (from which point a Local Shopping Centre zone centred on the Frankton Road / Kawarau Road roundabout is located).

241. One effect of the PDP zone framework is that for travellers on the Highway, the base of the Queenstown Hill would come to be characterised by smaller-scaled, and higher-quality residential developments. Larger buildings in either of the BMUZ or the Local Shopping Centre zone would, because of the consent requirements that apply to new buildings in each, also have to demonstrate a suitable design quality was being achieved including in relation to the Highway frontage. We find that this is an appropriate means of responding to the landscape and landform feature that is Queenstown Hill. Visually prominent GISZ development, which could occur as a permitted activity and which is in general expected to exhibit lower visual amenity values than the other urban zones, is in our view likely to be anomalous and not acceptable.



Aerial photo of subject site showing area of re-zoning request outlined in red.

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<sup>133</sup> Submission #3348.11

<sup>134</sup> S.42A report of Luke Place, Stream 17, paragraphs 9.11 – 9.18

242. We accept Mr. Place's observation<sup>135</sup> that the Frankton-Ladies Mile Highway serves as a zone boundary between an intended residential neighbourhood on the north side and flank of Queenstown Hill, and a commercial and industrial area on the southern side across the Frankton Flats. This strikes us a logical outcome.
243. We find that the land has characteristics and a context that makes it more appropriate for residential-dominant use than GISZ uses. Granting the relief sought would in our view raise the real prospect of land use incompatibility with the adjacent residential activities and residential zoned land around the submitter's site. We are concerned that the land is not sufficiently large to make a stand-alone GISZ development self sufficient or independent of the GISZ zoned land on the south side of the highway, and we have particular concerns about the suitability of vehicle access on the north side of the Highway given the heavy and large commercial vehicles that GISZ activities could give rise to. No evidence is available to us to demonstrate that these concerns can be overcome.
244. For the above reasons we accept Mr. Place's recommendation and on that basis we recommend the submission is **rejected**.

**Reavers (NZ) Ltd<sup>136</sup>**

245. This submitter supported the notified GIZ being applied to land zoned Rural zone and un-stopped road in the ODP.
246. In his s.42A report<sup>137</sup>, Mr. Place recommended that the submission be **accepted**.
247. We heard from Mr. Daniel Thorne, planner, who gave expert evidence on behalf of the submitter<sup>138</sup>.
248. We find that although we have made refinements to the notified GIZ zone, in its end state as the GISZ zone, it has lost no utility as it relates to the industrial uses enabled by the notified provisions. On that basis we are satisfied that the refined zone will achieve the same land use outcomes for the land as was notified and we agree with Mr. Place and recommend the submission be **accepted**.

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<sup>135</sup> Ibid., paragraph 9.16.

<sup>136</sup> Submission #3340.3

<sup>137</sup> S.42A report of Luke Place, Stream 17, paragraph 9.75

<sup>138</sup> Statement of evidence of Daniel Ian Thorne, 29 May 2020

249. More generally in relation to the Glenda Drive area, Gillian Macleod<sup>139</sup> sought that consideration be given to the Frankton Flats Master Plan that shows a mixture of residential zones at the northern end of Glenda Drive, and also addresses the zoning of land outside the notified GIZ. Mr Place noted<sup>140</sup> that this is a draft plan offering an aspirational conceptual view of land uses 30 years into the future. He did not regard it as directing the content of the PDP.
250. Ms Macleod did not appear to provide evidence and we agree that we can put little weight on a draft Plan of this nature without evidence supporting the concepts that underly it. We therefore recommend Ms Macleod's submission be rejected.

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<sup>139</sup> Submission #3015

<sup>140</sup> S.42A report of Luke Place, paragraph 7.14

5.3 Bush Creek Road, Arrowtown



Aerial photo of subject site showing area of the submitter's re-zoning request outlined in red.



Aerial photo of subject site showing area of the M Thomas re-zoning request outlined in red.



251. M Thomas<sup>141</sup>; Bush Creek Property Holdings Ltd., and Bush Creek Property Holdings No. 2 Ltd.<sup>142</sup>; and Bush Creek Investments Ltd.<sup>143</sup>, lodged submissions relating to land at Bush Creek, Arrowtown. The submitters sought the land to be rezoned from GIZ to BMUZ (or a bespoke GISZ zone more enabling of commercial and residential activities). M Thomas additionally requested that a small parcel of land that had not been included within any other Stage 3 PDP zone and was within an ONL be included in the GIZ. Another submitter, Arrow Irrigation Co. Ltd.<sup>144</sup>, supported the notified GIZ zone at 31 Bush Creek Road.
252. In his s.42A report<sup>145</sup>, Mr. Place recommended acceptance of Arrow Irrigation Co. Ltd.'s submission, and rejection of the other submissions. Mr. Place was of the opinion that at this time, the area predominantly accommodates industrial activities. He was concerned that BMUZ, if developed entirely as residential activities, would result in a loss of important employment land near Arrowtown. If developed with many commercial activities, the area could come to function similar to a centre zone in such a way as to potentially undermine the Arrowtown Town Centre.
253. Ms. Hampson also reviewed the relief sought on behalf of the Council and opposed it. She was concerned that the BMUZ would result in an inappropriate outcome<sup>146</sup>:

*“The GIZ is the most appropriate zone to maintain and protect the existing industrial and service activities which dominate the land-use in Bush Creek Road (17 of the 24 predominant business activities surveyed in the zone by Council are either Service, Yard Service or Light Industrial). Such activities play a key role in the QLD’s industrial economy. I consider that the BMUZ would adversely affect the ongoing commercial viability of the existing low-intensity and yard based activities along Bush Creek Road, increasing the value of the land and encouraging redevelopment to higher value land uses. A BMUZ would also potentially increase the number of incompatible activities which could give rise to greater reverse sensitivity effects on these existing businesses.”*

254. Expert planning evidence was filed by Hayley Mahon on behalf of M Thomas, Bush Creek Property Holdings Ltd. and Bush Creek Property Holdings No. 2 Ltd., and Bush Creek Investments Ltd<sup>147</sup>. In summary Ms. Mahon considered that the BMUZ zone would be the most appropriate outcome because:

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<sup>141</sup> Submissions #3003.1, #3355.1 and #3355.2

<sup>142</sup> Submissions #3353.1 and #3353.2

<sup>143</sup> Submissions #3354.1 and #3354.2

<sup>144</sup> Submission #3161.1

<sup>145</sup> S.42A report of Luke Place, Stream 17, paragraphs 10.1 – 10.18

<sup>146</sup> Statement of Evidence of Natalie Dianne Hampson, 18 March 2020, paragraph 12.7

<sup>147</sup> Statement of Evidence of Hayley Jane Mahon, 29 May 2020

*“...it best achieves the purpose of the Act and the Strategic Direction of the PDP, best takes into account the activities currently occurring within the area, best reduces reverse sensitivity effects on surrounding residential land, enables the Arrowtown community and achieves the best urban design outcomes for the area.”*

255. Ms. Mahon did not agree with the conclusions of Mr. Place or Ms. Hampson. In Ms. Mahon’s opinion the majority of the land was already used for activities that were more reflective of the BMUZ and that it would be more efficient, and more in line with the NPSUDC, to zone the land in a manner that reflected this.
256. Mr. Place filed a statement of rebuttal evidence on 12 June 2020 responding to the issues raised in Ms. Mahon’s evidence<sup>148</sup>. Mr. Place explained why, in his opinion, he and Ms. Mahon had reached different conclusions as to what the predominant activities currently occurring on the land should be classified as. He stated:

*“Ms Mahon appears to separate Light Industrial activities from Industrial activities. The list of defined terms relevant to the GIZ are address in the s32 report<sup>66</sup> and I note in regard to this matter that under Chapter 2 (Definitions) of the PDP, Light Industrial activities are not distinguished from Industrial activities. Given this, I consider that the identified Light Industrial activities within the Arrowtown GIZ should be considered Industrial activities under the proposed GIZ framework. I am not of the view that these previously defined Light Industrial activities would be better suited to being located within a BMUZ in terms of their long term operation and growth.”*

257. On the basis of Mr. Place’s approach to categorising activities, the majority of the activities occurring on the land at this time are industrial in nature and are not more or better-thought of as BMUZ activities.
258. Ms. Mahon filed a statement of supplementary evidence responding specifically to the NPSUD, 2020. In Ms. Mahon’s view this did not change her position or reasons in support of the change from GISZ to BMUZ.
259. At the Hearing, the submitters were represented by Counsel Mr. Joshua Leckie, and planner Mr. John Edmonds (who adopted Ms Mahon’s pre-circulated evidence). Mr. Leckie presented submissions on the following points:
- a.) That the Bush Creek area was of a poor size, shape and location for GIZ activities.
  - b.) That the proximity of residential zoned land made the submitter’s land less suited for GIZ activities.

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<sup>148</sup> Statement of rebuttal evidence of Luke Thomas Place, 12 June 2020.

- c.) That the BMUZ was a better fit in terms of the above and in terms of future land use demand.
- d.) That changing the land to BMUZ would not result in any material loss of industrial land.
260. Mr. Leckie then introduced alternative BMUZ provisions in recognition of the Council's opposition to the relief sought. This was a modified BMUZ that enabled more industrial activities than is otherwise the case. In Mr. Leckie's submission, this modified zone would bring the zone more into line with "...*the National Planning Standards intention for mixed use zones.*"<sup>149</sup> Mr. Leckie also took us through the provisions of the NPSUD that are relevant, in his opinion. Overall, Mr. Leckie urged us to prefer Ms. Mahon's assessment and conclusions and support the rezoning.
261. In response to questions from us, Mr. Leckie expressed the view that it is legally inappropriate to introduce a prohibited activity status into a Plan applying to existing activities on the land, when there is no intent to prevent or stop them. This, we note, was a recurrent theme across our interactions with the submitters and we refer elsewhere in our report to the reasons why we made key changes to the text of the zone provisions.
262. Mr. Edmonds responded to our questions arising from Ms Mahon's written evidence. We focused on the existing activities in Bush Creek and the reasons why they might be better described as industrial, service, commercial or other activities. In Mr. Edmonds' opinion the Bush Creek area was populated by predominantly non-industrial activities, and he concluded that BMUZ would be the most appropriate outcome.
263. After the Hearing Mr. Place, provided a statement of reply evidence<sup>150</sup>. He clarified the status of residential-zoned land south-west of the Bush Creek area (the Meadow Park Special Zone) and confirmed his opinion that this presented no uncertainty or other matter that would change his support of the GIZ zone applying to the submitters' land. He also provided brief reasons why in his opinion retaining the GIZ would better serve the NPSUD than the BMUZ zone.
264. Having considered all of the above and visited the Bush Creek Area, we accept Mr. Leckie's legal submissions that the land is of a small and irregular shape, and not well located. This is consistent with Ms Hampson's evidence. She accepted that if the area was a greenfield or blank-slate site, the location and small size of the area would not make it a likely candidate for industrial zoning. However, for all its shortcomings, it cannot as we see it be fatally unusable because it does and for a long period of time has accommodated industrial and service activities. We are satisfied that although unlikely to play a pivotal role in the District's industrial economy, the Bush Creek area does serve a locally important employment purpose in and around Arrowtown.

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<sup>149</sup> Legal submissions of Joshua Leckie, 7 August 2020, paragraph 19.

<sup>150</sup> Statement of Reply of Luke Place, 7 September 2020.

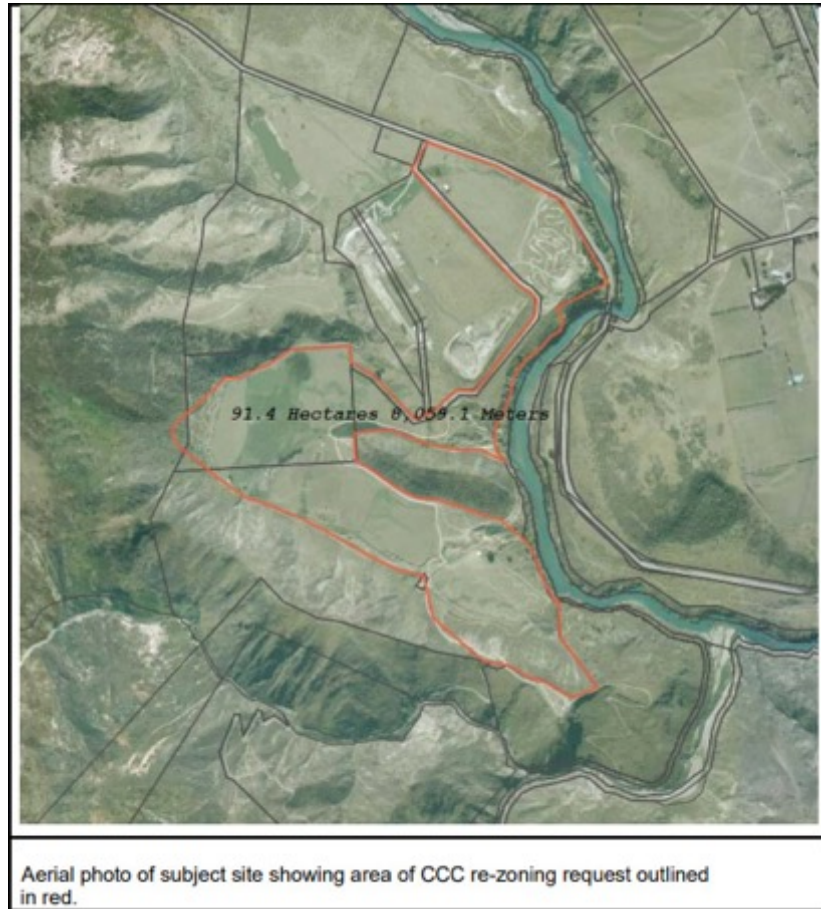
265. We are persuaded that the majority of the land is at this time in industrial or service activities of the sort enabled by the GISZ. We also note that as a consequence of changes we have made to the zone on the basis of other submissions, it is now clearer that many of the service-type uses that the submitters felt were not industrial activities are in fact still appropriate for an industrial zone. This would ensure that the zone would not prejudice or otherwise imperil existing activities that would have become prohibited activities under the notified zone provisions.
266. We agree with Mr. Place that the land provides employment land close to and that benefits the Arrowtown settlement. We accept his view that local employment close to settlements like Arrowtown better serves the NPSUD than not having such employment. The BMUZ does provide for a variety of commercial activities, but it also permits unrestricted residential activity. Having considered the creation of a bespoke 'BMUZ-minus' or a 'GISZ-plus' type zone that sought to sit something in between the zones, we find that this would not be appropriate or justified on the evidence before us, and that the refined GISZ we have developed in response to the GISZ submissions as a whole will provide an appropriate solution in that regard.
267. Ultimately rezoning the land to BMUZ would create the potential for it to become mostly or fully occupied by medium to high density residential development, or commercial activities that would in our view be better-suited within Arrowtown Town Centre. We find that the loss of this area of industrial and service-based employment land would be both problematic and inappropriate. Given the importance of employment land outside the higher-value and constrained Arrowtown Town Centre, we find that protecting this as a resource is a valid resource management priority in terms of Chapter 3 of the PDP. For the reasons set out by Mr. Place, the GISZ is the most appropriate means of achieving this. We therefore **accept the submissions in part** to the extent that the GISZ as we have modified it places greater emphasis on service activities and those non-industrial activities that exist at this time and have been lawfully established.
268. As it relates to M Thomas' submission to rezone a small area of rural-zoned land to GISZ, we have not been persuaded that changing the zone is appropriate. The land is very small and of a triangular shape. We received no evidence to demonstrate that the ONL notation on the land was improper. As a result of this we cannot see that the land could be used for GISZ uses and zoning it such would not be effective or efficient. It is more appropriate to retain the existing rural zone and in this respect the submission is **rejected**.
269. Lastly, it follows that based on the above we **accept** the submission of Arrow Irrigation Co. Ltd.

#### 5.4 Cardrona Cattle Company Limited (CCCL) - Victoria Flat

270. CCCL sought to rezone an area of land (the “site”) at Victoria Flats in Gibbston from Rural (RZ) and Gibbston Character Zone (GCZ) to the GIZ. The land comprises 91.4 hectares in area. Part of the land is affected by Designation #76 - the Victoria Flats landfill buffer area.

271. Approximately 26.6 Ha (or 45.5%) of the site is located within an ONL (being the Rural Zoned parts of the land). This comprises proposed activity areas 1 and 2 (areas able to be developed) at the northern portion of the site (adjoining SH6), as well as activity areas 2 and 3 at the southern portion of the site (behind the landfill). The remaining area of land (approximately 31.9 Ha) sought to be rezoned to GIZ is located within the Gibbston Character Zone<sup>151</sup>.

272. The extent to which the site could be developed if re zoned was addressed by Mr Milne, the submitter’s landscape architect. Mr Milne addressed this in this evidence; mainly in his evidence-in-chief under the hearing “*The GIZ Proposal*”<sup>152</sup>. As set out by Mr Milne the proposal is supported by a Structure Plan setting out the developable areas, green corridors and planted Amenity Setbacks and Mitigation Planting Zones. The developable areas include<sup>153</sup>:



*General Industrial Area 1–7.5 ha (with a maximum building coverage of 25%)*<sup>154</sup>

*Located on the periphery of the development, these areas are intermittently visible from SH6 and transition the edge of the zone into the rural surrounds. The proposed zone is for small*

<sup>151</sup> These were the areas calculated by Mr Place and set out in his reply evidence at paragraph 5.4

<sup>152</sup> Page 8 of Mr Milne’s evidence-in-chief

<sup>153</sup> Paragraphs 22 to 27 of Mr Milne’s evidence-in-chief

<sup>154</sup> Provided by Mr Giddens in his revised zone provisions tabled at the hearing (12/8/20).

*scale industrial uses which prioritise open space over built form. Height of built form is limited to 6m with proposed controls relating to form and colour, adapted from the Rural zone.*

*General Industrial Area 2–19.9 ha (with a maximum building coverage of 50%)<sup>155</sup>*

*These areas are less visible and are generally internal to the Zone. If visible, they are seen at a greater distance and can be largely screened from views along State Highway 6 with amenity set backs or mitigation planting. Built form is limited to a height of 7m, with an exception for towers up to 12m.*

*General Industrial Area 3–10.3 ha (with a maximum building coverage of 80%)<sup>156</sup>*

*Located internal to the development, these areas are not visible as they are setback a significant distance from State Highway 6 and contained by localised topography. The proposed height limit for built form is 10m, with exception for up to 12m for towers<sup>157</sup>.*

*Green Corridors*

*Green corridors are proposed between industrial zones which allow for ecological improvements through revegetation of waterways and stormwater retention. They will also provide visual amenity for those visiting and working in the zone.*

*Planted Amenity Setbacks & Mitigation Planting Zones*

*Amenity planting setbacks provide separation and screening between different industrial zone types and uses. This will increase amenity within the development for the site's users. This will also provide a degree of screening and mitigation from viewpoints along State Highway 6 in order to minimise visual amenity effects of the proposal for viewers within the receiving environment.*

273. It was not entirely clear from CCCL's evidence what the overall density or amount of development that could be undertaken was for the requested rezoning. However, Mr Edwards told us in answer to our question that he estimated that something in the order of 85,000 m<sup>2</sup> was possible (assuming a 28% site coverage).
274. Amendments were sought to some of the GIZ provisions as set out in the submission. We have addressed those later. In response to the evidence of Scope Resources Limited (Scope)<sup>158</sup>, the rebuttal evidence and further evidence presented at the hearing by Mr Giddens, CCCL's planner,

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<sup>155</sup> *ibid*

<sup>156</sup> *ibid*

<sup>157</sup> We find there is no scope for the 12m height limit as CCCL's submission sought a maximum height of 10m.

<sup>158</sup> A Further Submitter in opposition to the zoning request

identified further amendments to the GIZ rules in respect of the land within the designation buffer land. This was to prohibit activities (currently not prohibited in the notified GIZ) involving:

- Residential buildings and activities;
- Visitor accommodation activities;
- Commercial recreation and recreation activities; and
- Community activities.

275. In addition, CCCL also offered:

- An easement over the designation buffer land in relation to air contaminants including odour, for the benefit of the landfill site;
- Restrictions on the use of the land within the designation buffer (to be applied through the Structure Plan) limiting activities to the heavy industrial activities with no managerial or caretaker accommodation allowed; and
- Development thresholds triggering upgrades to the intersection of Victoria Flat Road and SH6.

276. Ms Steven QC, CCCL's legal counsel, set out in her legal submissions that the rezoning was sought on the basis that<sup>159</sup>:

- *The zone change is consistent with the objectives and policies of the proposed GISZ;*
- *The zone change is consistent with the PDP Strategic Directions chapters (Chapters 3-6);*
- *The rezoning gives effect to the National Policy Statement for Urban Development Capacity (NPS –UDC); more particularly the recently announced NPS-UD 2020 and the Operative Regional Policy Statements;*
- *The changes are consistent with PDP maps that indicate additional overlays or constraints;*
- *The GISZ changes take into account the location and environmental features of the site, including infrastructure, hazards and roading, which will be dealt with through the provisions of the PDP;*
- *There is adequate separation and/or management between land uses provided for under the GIZ, in particular the landfill;*
- *The CCCL site is more suited to industrial use than for viticulture and farming activity (due to soil and climatic conditions and proximity to the existing landfill).*

277. The further submission (and legal submissions and evidence) from Scope opposed the rezoning, ostensibly due to reverse sensitivity effects in relation to the landfill<sup>160</sup>. Mr Place, the Council's planner also recommended (in his section 42A report and evidence) that the GIZ request be rejected.

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<sup>159</sup> Paragraph 10 of Ms Steven's legal submissions

<sup>160</sup> We note that the issue of scope of the CCCL request to rezone its land raised by Mr Nolan QC, legal counsel for Scope, has been addressed in our Introductory Report (20.1), and is not addressed here

278. CCCL presented evidence supporting the rezoning request from; Mr Giddens, resource management consultant; Mr Milne, landscape architect; Mr Angus, economic evidence; and Mr Edwards, traffic engineer.
279. As already set out, we recommend rejecting CCCL’s rezoning request. The reasons that follow are set out in two tranches – strategic, and the potential effects. On ‘both’ of these grounds it is our view that in section 32 terms the zoning of this land as GISZ is neither the most appropriate nor efficient use of this land.

### **Strategic Planning Issues**

280. Ms Steven, in her opening legal submission at the hearing, advanced the argument that the effect of re zoning the land GIZ was not urban development or urban in nature. On this basis, the provisions of the RPS, but more particularly those in Chapters 3 and 4 (Strategic Direction) were either not relevant or less relevant. Her submission that this rezoning was not ‘urban’ relied on Mr Milne’s landscape evidence where he stated<sup>161</sup>:

*“It is important to consider that a General Industrial Zone does not necessarily equate to an urban form and density of development. While the proposal will introduce new elements into the landscape, the proposed Structure Plan and provisions display a considered response to the site. Essentially this will introduce a new typology of general industrial built form with design standards to ensure development can be appropriately integrated into a rural setting”*

281. In his Summary Statement of his evidence, he stated<sup>162</sup>

*“In the context of visual amenity effects, I consider a pared back, rather than generic version, of the GIZ as proposed does not necessarily equate to an urban form. The proposed Structure Plan displays an appropriate response to the site and paired with appropriate provisions will ensure that the rural-industrial character that will result from the development of the zone is not urban in character because of its scale, intensity, visual character and dominance of built structures”. (emphasis added).*

282. We have set out the likely scale of the development that would either be enabled or provided for had the site been recommended to be rezoned GISZ above. It is our view that the zoning and structure plan would enable a substantial amount of built development on the site. For the reasons that follow, we disagree with Ms Steven and Mr Milne that the rezoning proposal is not urban development.
283. Mr Giddens appeared to accept that the GIZ zoning requested would equate to urban development. An example, in his evidence-in-chief was:<sup>163</sup>

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<sup>161</sup> Paragraph 45 of Mr Milne’s evidence-in-chief

<sup>162</sup> Paragraph 10 of Mr Milne’s summary statement (dated 12 August 2020)

<sup>163</sup> Paragraph 45 of Mr Giddens’ evidence-in-chief



*To provide for “urban development” (as defined under the PDP) that would eventuate from the GIZ, I suggest that an urban growth boundary is included around the parameter of the zone. This is provided for in the relief sought by CCCL as a consequential relief to give effect to the matters raised in the submission”.*

284. Moreover, Mr Giddens also stated:<sup>164</sup>

*Mr Milne responds to the question of urban form at [45] and [46], which I reproduce below. (emphasis added).*

285. While Mr Giddens reproduced Mr Milne’s paragraphs (which suggested that a GIZ does not necessarily equate to an urban form and density, and that this development would be well integrated into the site), he did not offer an opinion whether or not he agreed with Mr Milne or not. Furthermore, while Mr Giddens addressed the issue of urban development, it appeared to us to be in the context of whether or not an UGB is necessarily a corollary of zoning land urban, which we discuss in more detail below. It is our view that no-where in Mr Giddens’ evidence does he consider that the rezoning would not be urban in character.

286. We also note that Mr Edwards, when asked by the Panel for his view on whether from a transport perspective, the scale of development was urban, he was unequivocal that it was of an urban scale.

287. When we discussed the character of the proposed development with Mr Milne, it was evident that he was basing his opinion on a ‘whole-of-zone’ approach and assuming that standards providing for denser development such as Area 3 (with 80% site coverage and a 10m height standard- as we observed to him, taller and denser than almost everywhere except CBDs) would not in fact be utilised to their full extent. We consider this a dubious assumption, taking the view that CCCL would not have asked for those standards if it did not intend to use the capacity they create. Even accepting Mr Milne’s assumption though, he said he had taken a density of development one would expect in an industrial zone, which suggests an urban character to us.

288. The evidence of Mr Jones, landscape architect for the Council, was that due to the nature and scale of the rezoning request it would be an urban development within the rural setting. In his reply evidence Mr Jones stated:

*After consideration of Mr Milne’s ‘Further Exhibits’, I maintain my original assessment and remain opposed to the requested rezoning. In my opinion, from a landscape perspective, the proposed GIZ rezoning will inappropriately introduce urban elements, uncharacteristic to this landscape and will not protect the values of the ONL*

289. Mr Place’s opinion, as set out in section 42A report and evidence which we address in more detail below, is that the proposed rezoning would be urban in character due to its nature and scale, and that the GIZ zone, by definition, is an urban zone being in Part 3 – Urban Environment of the PDP.

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<sup>164</sup> Paragraph 67 of Mr Giddens’ evidence-in-chief

290. We are of the view that CCCL's rezoning request would be to create an urban zoning (i.e. GISZ) on land currently zoned Rural/Gibbston Character. This finding means we need to evaluate the proposal, among other things, in terms of the relevant Strategic Direction provisions (of Chapters 3 and 4) including the use of UGB's as a strategic planning tool; as well as the NPSUD. We address these below.
291. Ms Steven, in her opening legal submissions sought, to the extent it was required, that an UGB be drawn around the area of land to be zoned GIZ as a consequential amendment<sup>165</sup>. It was the Council's view (legal counsel and planner) that the UGB is a key strategic mechanism with respect to urban growth; and that it was not a consequential amendment as submitted by Ms Steven or suggested by Mr Giddens.
292. In opening submissions for the Council<sup>166</sup>, Ms Scott raised as an issue, the fact that the relief sought by CCCL did not expressly seek that the UGB be drawn around the GIZ in the location being pursued in its submission. It was suggested by Ms Scott that any attempt on CCCL's part to rely on the consequential relief sought in its submission would be a 'bottom up' approach to the plan preparation, and would require a very liberal interpretation of consequential relief in terms of clause 10(2) Schedule 1. .
293. This was raised specifically in the context of the application of Chapters 3 (Strategic) and 4 (Urban Development) of the PDP describing the UGB as a "top down approach" to preparing the Plan. Ms Scott noted that Chapter 4 is clear that the location of new UGBs or movement of existing UGBs is to allow for expansion of the urban environment is driven by the objectives and policies (and criteria in 4.2.1.4) in Chapter 4.
294. Ms Scott again addressed this issue of the UGB in some detail in the Council's Reply Submissions<sup>167</sup>. She reiterated her previous position that a UGB around the GIZ boundary cannot be a consequential amendment to a rezoning request through clause 10(2)(b) of Schedule 1. We agree with Ms Scott's submission that a new UGB cannot be a consequential amendment to a rezoning, as<sup>168</sup>.

*“rather the structure of the Queenstown Lakes PDP is that Chapter 3 provides overarching strategic direction for the District. The Chapter 3 strategic objectives and policies are further elaborated on in Chapters 4-6, with Chapter 4 providing more detailed objectives and policies for urban development. The principal role of Chapters 3 – 6 collectively is to provide direction for the more detailed provisions related to zones and specific topics contained elsewhere in the district plan. To be more specific, it is SO 3.2.2.1 and Chapter 4 that provide strategic*

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<sup>165</sup> CCCL had not sought in its submission an UGB

<sup>166</sup> Paragraph 7.21 of the Opening Legal Submissions for the Council

<sup>167</sup> Paragraphs 7.12 to 7.20 of the Council's Legal Reply Submissions

<sup>168</sup> Paragraph 7.13 of the Council's Legal Reply Submissions

*direction for where and how to consider any extensions to existing UGBs, or where any new UGBs should be located”.*

295. It was Mr Place’s opinion also that the use of UGB is a strategic planning tool and is not a consequential ‘add on’ after the fact. Mr Place had addressed strategic urban development considerations, including the overall intent of Chapters 3 and 4 in respect to the application of UGBs and urban zoning on this site in his section 42A report<sup>169</sup> and in his second rebuttal evidence<sup>170</sup>.
296. We agree with the Council position that the UGB needs to be established ahead of, or in our view at least at the same time as any urban zoning is contemplated. Moreover, in agreeing with the Council position, we find that SO3.2.2.1 and the policy direction in Chapter 4 Urban Development must be the first consideration – i.e. the plan structure of the Queenstown Lakes District Plan. The fact that the relevant provisions of Chapters 3 and 4 were resolved by the Environment Court shortly after our hearing concluded<sup>171</sup> reinforces their importance in our view. We also note that there is a direct link between Chapter 4 and any new or amendments to the UGBs.
297. Objective 4.2.1<sup>172</sup>, and associated Policies 4.2.1.1 through 4.2.1.6 (as amended), set out the essential function of UGBs - as a tool is to manage both the growth of urban areas and location of urban development. The policies in Chapter 4 provide further elaboration on this direction, including through:
- Policy 4.2.1.2, which directs that urban development be focussed primarily within and adjacent to existing larger areas, and to a lesser extent within and adjacent to smaller urban areas, towns and rural settlements. Mr Giddens suggested, somewhat faintly it must be said, that Victoria Flat constitutes (or forms part of) a rural settlement for this purpose. We do not agree. Among other things, that view is inconsistent with Mr Milne’s description of the rural character of the area. Accordingly, the CCCL submission does not achieve either of the outcomes Policy 4.2.1.2 seeks;
  - Policy 4.2.1.3, which directs that, other than urban development within existing towns and rural settlements (which will, in most cases, be zoned as Settlement Zone or some type of Special Zone), all other urban development is avoided outside of the defined UGBs.
  - Wakātipu Basin Specific Policies 4.2.2.13 and 4.2.2.20, which direct that urban area are based on existing urbanised areas, the values of ONFs and ONLs and avoid sprawling and sporadic urban development across the rural areas of the Wakātipu Basin, and that rural

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<sup>169</sup> Paragraphs 9.33 – 9.34 of the Section 42A report

<sup>170</sup> Paragraphs 5.57 to 5.62 of Mr Place’s second statement of Rebuttal Evidence

<sup>171</sup> Environment Court Consent Order dated 20 August 2020

<sup>172</sup> Urban Growth Boundaries used as a tool to manage the growth of urban areas within distinct and defensible urban edges.

land outside of the UGB is not used for urban development until a change to the Plan amends the UGB.

298. Ms Steven, as part of her legal submissions, addressed the relevance of the NPSUD to her client's land and rezoning request.
299. As we have addressed in some detail above, the land subject to the CCCL rezoning request is currently within the Rural Zone and Gibbston Character Zone. This location is not within the District's urban environment as defined by the NPSUD. Given this, many of the objectives and policies of the NPSUD which apply to existing urban environments, are not relevant to this rezoning request.
300. However, Objective 6 and Policy 8 of the NPSUD are relevant in the context of responsiveness and infrastructure, particularly with regard to unanticipated or out of sequence developments that provide significant capacity. In addition to these provisions, any rezoning needs to give effect to the other (relevant) objectives and policies, notably Objective 1 and the need to contribute to a well-functioning urban environment.
301. Mr Angus, in his evidence-in-chief concluded that a key to the viability of industrial development/growth would be the supply of industrial land, and ultimately the cost of that industrial land; with cheaper alternatives being a "*critical part in developing the industrial market*"<sup>173</sup>, and that the submitter's land "*represents one of the few sources of such land*"<sup>174</sup>.
302. Mr Giddens said in his evidence-in-chief that CCCL proposal "*presents an opportunity to provide for industrial growth now and into the future. It is the only option available to the QLDC*"<sup>175</sup>. (emphasis added)
303. Ms Hampson did not agree with Mr Angus nor Mr Giddens, and addressed this matter in her second rebuttal evidence stating<sup>176</sup>:

*I consider the following to be relevant:*

- *There is currently capacity for short-medium term demand growth for industrial activity in the Wakatipu Ward, although Coneburn is not yet development ready. There is, therefore, capacity to cater for any post-Covid recovery that may result in a greater role of the industrial economy as suggested by Mr Angus (his paragraph 18).*
- *Coneburn is likely, when released, to offer a cheaper alternative location for industrial development.*

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<sup>173</sup> Paragraph 21 (and reiterated in paragraph 29) of Mr Angus' evidence-in-chief

<sup>174</sup> *ibid*

<sup>175</sup> Paragraph 113 of Mr Giddens' evidence-in-chief

<sup>176</sup> Paragraph 4.1 of Ms Hampson's second rebuttal evidence

- *The expectation is that the FDS (Spatial Plan) will identify suitable areas for the long-term growth of the industrial economy in the Wakatipu Ward, based on a holistic and strategic approach to future urban form outcomes. I consider that allowing the FDS to run its course is preferable to pre-empting that process in the Wakatipu Ward through the plan review process. Once identified in the FDS, such growth areas may be able to be zoned sooner rather than later if monitoring of supply indicates that this would be prudent (and they can be serviced).*
- *In the future, any new GIZ zones in the Wakatipu ward, assuming they will be greenfield rather than brownfield sites, will most likely offer lower industrial land prices to the market (in that they are likely to be zoned Rural at present and will have a greater chance of being in single ownership). The opportunity to combine both greenfield (rural) and GIZ (and the benefits that will come with that in terms of ‘increasing competition in the supply of industrial land’ as raised in paragraph 47 of Mr Angus’ evidence) is not limited to the Victoria Flats location.*
- *If the zoning relief is not accepted, future industrial growth will not be jeopardised so long as the FDS (Spatial Plan) achieves its purpose (i.e. the risk of not acting will be low).*

304. Mr Angus also stated that zoning the submitter’s land GIZ would be likely to “bring back ‘Queenstown-based’ firms into the district”<sup>177</sup> and CCCL’s proposal would “also significantly lower commuter traffic through the Kawarau Gorge, which would bring further economic benefits”<sup>178</sup>. Mr Angus did not provide any evidence to substantiate his opinion that firms serving the Queenstown market have been leaving the Queenstown District and/or that new firms wanting to serve the Queenstown market are choosing to do so by establishing outside the Queenstown District in the first instance – eg Cromwell. It was Ms Hampson’s view that Mr Angus’ claims were overstated.

305. Ms Hampson set out her opinion on Cromwell’s industrial ‘capacity’ and ‘attractiveness’. In a direct response to Mr Angus’ evidence, she stated<sup>179</sup>:

*For those industrial and service businesses that have chosen to locate in Cromwell and serve the Queenstown market, a Cromwell location offers several operational benefits not limited to a cheaper land price. Cromwell is central to both Queenstown, Wanaka and Alexandra and is therefore ideally suited to those businesses wanting to (or needing to) serve a wide catchment (in addition to the local Cromwell catchment which is also growing fast). The GIZ proposed at Victoria Flats (on the Queenstown side of the Kawarau Gorge) may not outweigh the locational benefits offered by Cromwell for many industrial businesses. I think the ability to entice businesses from Cromwell to Victoria Flats will be very limited and should not be relied on as a key effect of the zoning relief.*

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<sup>177</sup> Paragraph 48 of Mr Angus’ evidence-in-chief

<sup>178</sup> *ibid*

<sup>179</sup> Paragraph 4.3 of Ms Hampson’s second rebuttal evidence

306. Having considered Mr Angus' (and Mr Giddens') evidence we are not persuaded that there is a strong economic argument in relation to rezoning the land GISZ. In this case, we are more persuaded by the evidence of Ms Hampson.
307. In terms of the capacity issue and the need or desirability of more GISZ zoned land we have already addressed the "at least" sufficient GISZ development capacity in relation to the Tussock Rise submissions above. We have not repeated that here, but it is clearly relevant in terms of Mr Angus' (and Mr Giddens') evidence. That earlier reasoning in relation to Tussock Rise forms a part of our findings and recommendation to not zone CCCL's land GISZ.
308. Moreover, we do not think that the zoning of the CCCL land to GISZ would contribute to a well-function urban environment. This is due to all of the reasons set out above, as well as: the site not being adjacent to either the Queenstown or Wānaka existing urban environments; it does not have good accessibility for all people between housing, jobs, community services, natural spaces and open spaces, including by way of public or active transport; and would not support reductions in greenhouse gas emissions. It is our finding that the rezoning proposal is not particularly well 'supported' by the NPSUD.
309. Overall, we agree with the Council position and Mr Place's evidence that the UGBs are a key underlying tool in the PDP to promote a strategic and integrated approach to the location of urban development within the District. Chapters 3 and 4, as addressed above, establish a framework where the appropriateness of any land to be incorporated into a UGB is considered. Following this, land within the UGB should be zoned according to the directions set out within Chapter 3 and Chapter 4. This is not the case for the CCCL land where an urban zoning has been sought in the absence of a broader strategic consideration of its appropriateness in its District (or sub-district) context. We also find that the rezoning would not give effect to the NPSUD for the reasons expressed above, including that the rezoning would not contribute to a well-functioning urban environment as set out in Objective 1.

#### **Potential Adverse Effects of the Rezoning**

310. There were a number of potential adverse effects of the rezoning presented to us in the Council's section 42A report and evidence from the Council, CCCL and Scope witnesses. These included reverse sensitivity effects (in relation to the Victoria Flats Landfill, it is odour and noise), landscape and traffic effects. We address these below.

#### **Reverse Sensitivity Effects**

311. Scope, via its Legal Counsel and witnesses, addressed the potential reverse sensitivity effects that would be likely to occur should the CCCL land be rezoned. Prior to addressing the reverse sensitivity effects, we record the CCCL had lodged an application with us to strike out Scope's further submission on trade competitor related grounds and the failure to identify direct effects. By Minute 10 (27 March 2020) the Chair declined to strike out the submission.

312. Mr Nolan QC, Scope’s legal counsel, addressed the issue of trade competition and what it means to be “directly affected” in his legal submissions<sup>180</sup>, as an alternative to the reasoning that had prompted the Chair’s preliminary procedural decision. Ms Steven QC did not pursue the issue of trade competition as a legal impediment to Scope advancing its further submission. She argued rather that there was no sound foundation in the evidence for the claimed reverse sensitivity effects. To the extent it may remain relevant, we accept Mr Nolan’s submissions and find that if the claimed effects are made out on the evidence, they qualify as ‘direct’ effects. In that event, Scope would be directly affected by the rezoning request in terms of its operation of the Victoria Flats Landfill. In other words, the issue of reverse sensitivity effects is relevant and squarely before us to consider.
313. Ms Van Uden, a witness for Scope<sup>181</sup> set out that Victoria Flats Landfill was consented and began operating in 1999. She advised that Scope has a contract with QLDC for the design, build and operation of the Landfill. The term of that contract runs for 35 years to 2034, or until the date the Landfill’s regional consents expire. We were advised by Ms Van Uden that the Landfill’s estimated remaining life is 40 to 50 years depending on the rate of filling<sup>182</sup> (and subject to RMA consenting requirements).
314. The Landfill provides solid waste services for all of the communities of the Queenstown Lakes district and the Central Otago district. Ms Van Uden noted in this respect the Landfill is identified as a strategic asset of QLDC in its Significance and Engagement Policy<sup>183</sup>. She also stated that “*As the only landfill servicing the Central Otago and Queenstown Lakes districts, it is a significant physical resource in the region*”<sup>184</sup>. We accept Ms Van Uden’s characterisation of this landfill.
315. The principal off-site effects from the Landfill operation that may give rise to reverse sensitivity effects are odour and noise.

#### Odour

316. Ms Van Uden set out in her evidence that that despite all reasonably practicable efforts to contain the effects of the Landfill to the site, complaints have still been received, with 10 in the last year relating to odour<sup>185</sup>. She outlined that, in the case of two instances of those complaints, odour was found to be strong but not offensive beyond the boundary of the site.

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<sup>180</sup> Section 5 of Mr Nolan’s legal submissions.

<sup>181</sup> Ms Van Uden is engaged by Scope to undertake contract and systems management services

<sup>182</sup> Paragraph 3.1 of Ms Van Uden’s evidence-in-chief

<sup>183</sup> Paragraph 2.3 of Ms Van Uden’s evidence-in-chief

<sup>184</sup> *ibid*

<sup>185</sup> Paragraph 3.8 of Ms Van Uden’s evidence-in-chief

317. Dr Rissman, an expert odour consultant, provided evidence in relation to odour. As Dr Rissman was not able to attend the hearing, the Panel provided him with written questions to which he responded. We address his evidence and responses to our questions below.

318. Dr Rissman's expert opinion was that:<sup>186</sup>

*Should the VFL buffer be occupied by any members of the public through the rezoning proposed..... it is highly likely they will be exposed to odorous trace gases, particularly during winter months. Due to the potential of detectable odour being exacerbated during wintertime temperature inversions, I cannot recommend any intensive people related activities (industrial) go into this locality while the landfill is still in operation. And*

*"...it is also likely to result in a significant increase in the number of odour complaints, which could include enforcement action against the landfill, potential restriction on operational hours or lead to objections to renewals of the air discharge consent".*

319. In response to Dr Rissman's evidence relating to the potential for intensive people-related activities to not occur in the buffer area while the landfill is still in operation, Mr Giddens for CCCL offered a new policy and rule prohibiting residential, visitor accommodation, commercial recreation, recreation, and community activities in the buffer area. We posed the question to Dr Rissman as to whether this would satisfy his concerns?

320. Dr Rissman's replied<sup>187</sup>

*Mr Giddens' suggestion does not address my concerns. While the removal of these more sensitive activities would reduce the potential for reverse sensitivity complaints, the level of development still enabled by the GIZ would result in pretty intensive use of the zone, by workers and visitors (2,784 daily<sup>188</sup>). The buffer is an important mitigating factor in terms of odour where my advice is that is necessary to retain its current rural / agricultural use.*

321. No air emissions/odour expert produced any contrary evidence to Dr Rissman's statement. We accept his evidence and find that there are likely to be reverse sensitivity (odour) effects created by the rezoning. However, we also note that the effects from odour, among other things, were addressed in the consents to enable the establishment and operation of the landfill. The Otago Regional Council's discharge permit (97164) the following condition were imposed:

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<sup>186</sup> Paragraphs 5.3 and 5.4 of Dr Rissman's evidence-in-chief

<sup>187</sup> Question 4 of Dr Rissman's Answers to Questions from Panel to Dr Rissman

<sup>188</sup> As provided by Dr Rissman - The Buffer Area is 23.2% by land area of the total rezoning. The total vehicles per day is agreed by traffic experts to be 24,000 which equates to 5,568 movements or at least 2,784 drivers to the Buffer Area each day.



- 3 *There shall be no odour emission resulting from the Consent Holder's activities that, in the opinion of an Otago Regional Council enforcement officer, is offensive or objectionable to such an extent that it has an adverse effect on the environment at or beyond the boundary of the consent holder's property.*
- 4 *The consent holder shall minimise the generation of odours from the operations using the best practicable option. This shall include where necessary*
  - *Minimising the working face of the landfill,*
  - *Covering wastes as required to control the generation of odours,*
  - *Provision of a buffer area around the site,*
  - *Installing passive gas vents before covering of cells,*
  - *Minimising the amount of leachate stored in the leachate storage ponds.*

322. In terms of the QLDC landfill consent (designation) for the landfill, the following condition in relation to odour was imposed:

- g That an operations manual be prepared and approved by the Queenstown Lakes District Council for all aspects of the operation and maintenance of the activity and the manual is to include any on going conditions that are required to be complied with. Aspects to be included in the manual are:*
- iv That the effects of odour, dust, vermin and litter will be mitigated to ensure that any adverse effects associated with the site are minor.*

323. We accept there will likely be reverse sensitivity odour effects, but given the consent obligations to avoid more than minor adverse odour effects, we do not find that this would result in significant adverse effects.

#### Noise

324. In terms of noise, the Landfill is currently permitted to create up to 65 dB LAeq at its boundary. Mr Geddes, planner for Scope, explained in his evidence that the Landfill must also meet 50dB LAeq at the notional boundary of any residential unit under its designation<sup>189</sup>.

325. Mr Giddens addressed Mr Geddes concerns about noise in his rebuttal evidence<sup>190</sup>. Mr Giddens said that while Mr Geddes had raised concerns about the impacts of the proposal on the landfill in respect of noise effects on future occupiers of custodial residential living and workers accommodation in the GIZ, his recommendation in his evidence-in-chief<sup>191</sup> was that residential activity be non-complying in the GIZ at Victoria Flats, and not permitted.

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<sup>189</sup> Paragraphs 32 - 35 of Mr Geddes evidence-in-chief

<sup>190</sup> Paragraphs 26 - 35 of Mr Giddens rebuttal evidence

<sup>191</sup> Paragraph 51 of Mr Giddens evidence-in-chief

326. As highlighted earlier, Mr Giddens recommended also (at the hearing) that a number of activities in the buffer area be prohibited, including residential buildings and activities. Mr Geddes responded to this in his Summary Statement presented at the hearing stating<sup>192</sup>:

*The CCCL zoning submission has been amended to prohibit residential activities within the landfill buffer. This removes the issue I identified in my evidence in relation to the landfill having to reduce its authorised noise emission level.*

Overall Findings regarding Reverse Sensitivity Effects

327. Notwithstanding Mr Geddes concession with respect to noise, it was his opinion that industrial activities in this location are not the most compatible activity to coincide with landfill operations – as Mr Giddens had suggested<sup>193</sup>. Mr Geddes maintained his view that “reverse sensitivity effects will make consenting a landfill more complex and whether via the consenting process or otherwise it will be inevitable that there will be complaints and pressure to constrain or limit landfill activities which compromises operational efficiency, long term viability and the capacity of the landfill to cater for the future disposal of the District’s solid waste”<sup>194</sup>.

328. In this respect, both Mr Nolan QC in his legal submissions and Mr Geddes in his evidence (summary statement) considered that the reverse sensitivity effects would bring the rezoning proposal into conflict with the district-wide provisions in the Utilities Chapter of the PDP, which include<sup>195</sup>:

- Objective 30.2.5 - The growth and development of the District is supported by utilities that are able to operate effectively and efficiently.
- Policy 30.2.5.2 - Ensure the efficient management of solid waste by:
  - b providing landfill sites with the capacity to cater for the present and future disposal of solid waste;
- Objective 30.2.6 - The establishment, continued operation and maintenance of utilities supports the well-being of the community.
- Policy 30.2.6.5 - Manage land use, development and/or subdivision in locations which could compromise the safe and efficient operation of utilities.

329. We agree with both Mr Nolan and Mr Geddes with respect to the issue of reverse sensitivity. The rezoning will most likely create reverse sensitivity effects, particularly in relation to odour, that cannot be avoided, remedied or mitigated. As a consequence of this, it is our finding that the rezoning as requested by CCCL would be in conflict with the Chapter 30 provisions set out above. However, given the consent conditions referred to earlier, we accept the noise and odour effects

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<sup>192</sup> Paragraph 3 of Mr Geddes summary of evidence

<sup>193</sup> Paragraph 111 of Mr Giddens evidence-in-chief

<sup>194</sup> Paragraph 5 of Mr Geddes summary of evidence

<sup>195</sup> Noting that a landfill is by definition a “waste management facility” which is a “utility”

would unlikely be significant, and had this been the only issue, it would not be of a sufficient scale to rule out the rezoning, particularly beyond the buffer area.

### Traffic Effects

330. Mr Edwards, CCCL's traffic expert, addressed the transportation/traffic matters associated with CCCL's rezoning request. His opinion was that the key transportation issue with the proposal was safely catering for site generated traffic turning into and out of Victoria Flats Road on to and off the State Highway. It was his opinion that if the CCCL site was developed as requested (50.4 ha of developable area)<sup>196</sup>, this would result in traffic generation of around 24,200 vehicles per day.
331. He confirmed that the current Victoria Flats Road intersection design is inadequate to safely cater for predicted future traffic flows and would need to be upgraded, noting that any proposed development of the site would be staged over many years. It was his view that an upgraded intersection with a right turn bay for Victoria Flats Road traffic would cater for a certain level of development of the CCCL site stating<sup>197</sup>:
- "The installation of such an intersection design would require shortening of the current passing lanes to the east of Victoria Flats Road however a compliant passing lane length would be able to be maintained."*
332. Mr Edwards acknowledged that the full development of the CCCL site would require a more comprehensive intersection upgrade with the *"logical intersection design option being a roundabout in order to be consistent with similar situations elsewhere along State Highway 6 (for example Glenda Drive and Lower Shotover Road)"*<sup>198</sup>. He considered that the trigger point for changing the intersection layout from priority control to roundabout control should be based on the performance of the critical right turn movement into Victoria Flats Road in the weekday AM peak period; such that a suitable level of turn movement performance is maintained above level of service F. He estimated that this trigger point will occur at around 40% of site development.
333. In summary, Mr Edwards' opinion was that<sup>199</sup>:
- "any traffic related effects of the proposal on the intersection of Victoria Flats Road with State Highway 6 are able to be suitably mitigated through the adoption of standard intersection upgrade designs such that road capacity and road safety at this location is able to be maintained"*.
334. Mr Bartlett, Scope's traffic expert, recorded his view that the CCCL proposal to rezone the land GIZ could have a traffic generation 14,000 to 38,000 vehicle movements per day<sup>200</sup>. In his opinion

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<sup>196</sup> Mr Edwards estimated this at 50.4 ha as set out in his evidence-in-chief – Paragraph 12

<sup>197</sup> Paragraph 6d of Mr Edwards' evidence-in-chief

<sup>198</sup> Paragraph 6e of Mr Edwards' evidence-in-chief

<sup>199</sup> Paragraph 7 of Mr Edwards' evidence-in-chief

<sup>200</sup> Paragraph 24 of Mr Bartlett's evidence-in-chief

this level of traffic generation would “*have an effect on the Landfill operation by delays and reduced safety at the access to the Landfill from Victoria Flats Rd and at the nearby intersection of Victoria Flats Rd and SH6*”<sup>201</sup>.

335. Mr Bartlett’s Transport Assessment Summary<sup>202</sup> was that the requested zoning will have significant effects on the operation of the Landfill from a traffic perspective, including delay to all vehicle movement at the Landfill access, the nearby State Highway 6 intersection. In his Conclusion he stated:<sup>203</sup>

*“It is likely that this increased traffic flow would result in the need for significant intersection upgrades to achieve safe and efficient access. These upgrades would need to be agreed by the Road Controlling Authority (NZTA or QLDC)”.*

336. Mr Rossiter, the Council’s traffic expert, filed detailed reply evidence in relation to the traffic related matters to CCCL’s rezoning request and traffic evidence filed by CCCL as requested by us. It clearly addresses a range of issues necessary for us to come to a view on the traffic related matters in relation to the rezoning request<sup>204</sup>:

*On 19 June, Mr Edwards filed late evidence on behalf of the submitter, providing further information on potential access arrangements. Acknowledging that I had not had sufficient opportunity to review and respond to this evidence, the Panel requested that I address Mr Edwards’ evidence in this statement of reply.*

*In summary:*

- (a) I disagree with Mr Edwards’ point at paragraph 6(d) and 22, that a safe intersection could be formed in the current location based on provision of a right turn bay only.*
- (b) I disagree with Mr Edwards’ statement at paragraph 6(f) that the transition to LOS F represents an appropriate threshold for triggering a more comprehensive upgrade of the intersection to a roundabout because this is not consistent with a Safe Systems design.*
- (c) I do agree with his point at paragraph 6(e) that a roundabout would be an appropriate intersection form to enable development of the CCCL land under the requested GIZ.*
- (d) The roundabout concept design proposed by Mr Edwards is reliant upon access to land that is not owned by CCCL or QLDC and so there is no guarantee that the roundabout could be constructed as proposed by the submitter.*

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<sup>201</sup> *ibid*

<sup>202</sup> Paragraph 32 of Mr Bartlett’s evidence-in-chief

<sup>203</sup> Paragraph 37 of Mr Bartlett’s evidence-in-chief

<sup>204</sup> Paragraphs 4.1 to 4.9 of Mr Rossiter’s Reply Statement

*The Transport Assessment attached to Mr Edwards' evidence at Appendix A includes an assessment of the performance of the Victoria Flats Road intersection with different levels of development (Table 12, Page 12). This indicates that delays at the intersection would start to rise rapidly once roughly 30 percent of the site was developed. In my opinion, any trigger threshold for construction for a roundabout should be aligned to this lower level of development rather than a transition to LOS F as suggested by Mr Edwards. Accepting a high level of delay at the intersection will contribute to greater driver frustration, which typically generates higher risk behaviour and increases the potential for crashes. Any crashes at the intersection are likely to result in serious injury or fatalities because of the high-speed environment. I do not consider that this is consistent with a Safe System design.*

*Mr Edwards' design for a simple upgrade to include a right turn bay requires that the passing lane be shortened and that the State Highway be widened. There is a high demand of passing in this location and the distance required to pass is affected by the uphill gradient. I do not agree with the option of reducing the length of the passing bay because there would be inadequate separation distance between the end of the passing lane and the left turn deceleration bay.*

*In terms of construction, Mr Edwards has stated (at paragraph 20(f)) that the improvement works could be achieved "on-site". The term "on-site" is ambiguous here because while the local topography would allow for an intersection configuration of the form proposed, in my opinion, it would require land outside the existing road corridor. .... I am not aware of any evidence to indicate that this land would be available to CCCL to allow the improvements to proceed.*

*I agree that a roundabout would provide a good intersection design solution if it was located so that it could provide access to land to the north and south of the highway. However, this requires the use of land that is not owned by CCCL, NZTA or by QLDC and so there is no guarantee that the land would be available to enable construction.*

*The location of the roundabout a short distance beyond the end of the passing lane means that vehicle approach speeds are likely to be high. I anticipate that some changes to the concept design would be necessary to address this but acknowledge that a design solution is likely to be possible subject to any amendments being required through the Safety Audit process or required by Waka Kotahi NZTA. I note that no information has been presented to suggest that Waka Kotahi NZTA have approved the concept design in any form and only acknowledges that an engineering solution is possible. I agree that an engineering solution is possible but I anticipate that changes to the design would be required to address safety which are likely to require additional land that is not under CCCL ownership.*

*Overall, I do not consider that the requested GIZ is appropriate on the basis there is no certainty that a safe access can be formed and there is no agreed trigger for its construction.*  
(emphasis added)

337. It is clear to us that the rezoning request would substantially increase traffic to this area. This is not in dispute between any of the traffic or planning experts. The traffic experts agree there is an engineering traffic solution (the roundabout on State Highway 6), but do not agree about when or what development threshold would need to be triggered before it was required. There is also

the issue that there is no agreement with Waka Kotahi NZTA about its construction (including the need to address potential wider transport network issues, including the Shotover River Bridge), who would fund it, and if it was possible as the additional land not already road corridor is not owned by CCCL.

338. Mr Giddens proposed a suite of rules that he considered would address the staging of development should the land be rezoned and timing of any roading upgrades. He proposed a different set of building coverages for the three activity areas<sup>205</sup> represented on the proposed structure plan prepared by Mr Milne. Mr Giddens suggested that a threshold be incorporated into a rule to prevent development of greater than 40% of the zone until a roundabout on State Highway 6 is installed and operational<sup>206</sup>.

339. In relation to Mr Giddens' suggested rule framework, Mr Place, in his reply evidence, stated<sup>207</sup>:

*I do not consider this approach to be efficient or effective. It is assumed that the Council would be required to maintain some sort of tally of built form within the land in order for the rule to be triggered. Further, it is not clear what party would be responsible for covering the cost of any such upgrade that would be required. It is presumed that the zone may be somewhat developed prior to this 40% threshold being reached and that an individual landowner/tenant may find themselves breaching this rule. In the absence of any other information, it is not clear what party would be responsible for such upgrades.*

340. We agree with Mr Place. However, we go further. We are not convinced by CCCL's evidence that 40% is the correct threshold, or if a threshold is appropriate at all (i.e. whether, if traffic upgrades are required, they should occur before any substantial development of the site occurs). If there was to be one, we prefer Mr Rossiter's view that if it were appropriate to stage any development within the zone, it should be aligned to a lower level of development rather than a transition to LOS F as suggested by Mr Edwards. In short, we are not at all persuaded by the planning provisions suggested by Mr Giddens.

341. Like Mr Place, it is not clear to us who would be responsible for the road upgrade. If there was one developer/owner of the entire site it would be clear. However, if there were multiple developer/owners, it is likely that whoever triggers the 'magic threshold number' would be required to provide the road upgrades. Given the scale of the upgrade (a roundabout on the State Highway), it is highly likely, in our view, that that no further development would occur until a landowner /funding solution was found. If not, it could mean the land remains vacant, and this would be inefficient. Alternatively, the Council would come under pressure to waive the requirement, resulting in unsatisfactory traffic outcomes.

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<sup>205</sup> Rule 18A.5.4.2, Mr Giddens, Planning Summary, 12 August 2020

<sup>206</sup> Paragraph 11 of Mr Giddens' Summary of Evidence dated 12 August 2020

<sup>207</sup> Paragraph 5.14 of Mr Place's Reply Evidence

342. The other somewhat obvious point is that there is no agreement to the road upgrading with Waka Kotahi NZTA. Without this, in our view, it is clearly premature to be contemplating any rezoning of the land from a transport/traffic perspective.

### **Landscape Effects**

343. Expert landscape evidence was presented by Mr Milne (for CCCL) and Mr Jones (for the Council) in relation to the ‘acceptability’ of the rezoning request from a landscape perspective. Their professional opinions differed significantly.

344. Mr Milne provided evidence-in-chief where he addressed:

- A description of the landscape values of the site and surrounds•
- A description of methodology
- A description of the proposal
- Matters raised in the section 42A landscape evidence; and
- Commentary on a second submission for part of the application site as Rural Visitor Zone<sup>208</sup>.

345. Mr Milne also filed a summary statement (which he presented at the hearing), and at our request an “Addendum to Landscape and Visual Amenity Assessment for Gibbston Valley Station” – showing the proposed development area overlaid on a photograph from the Crown Range.

346. Mr Milne described the localised receiving environment for the site as Victoria Flats, with the values of the ONL primarily associated with the surrounding mountainous landforms which contribute to high natural character, landscape and amenity values<sup>209</sup>. It was his opinion that on the Flats, a rural character exists due to “a dominance of open space and low density of built form. Land use across Victoria Flats has intensified since establishment of the QLD landfill and now includes, industrial and recreation activities. Mitigation treatments for these activities includes bunding, planting along the highway corridor and shelterbelt planting, these human interventions have allowed significant modification to occur but have reduced the naturalness and openness of the river terrace”<sup>210</sup>.

347. Mr Milne’s opinion of the landscape and visual amenity effects from the rezoning and the structure plan (addressed earlier) are concisely set out in his summary statement and are<sup>211</sup>:

*“In the context of landscape effects on the ONL, I consider that the application site has capacity to absorb a degree of development as both the site and the river terrace are modified*

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<sup>208</sup> Noting that this aspect of the submission was not pursued by CCCL and is not addressed in this report.

<sup>209</sup> We have set out earlier the extent to which the subject site is an ONL.

<sup>210</sup> Paragraph 5 of Mr Milne’s summary statement

<sup>211</sup> Paragraphs 9 and 10 of Mr Milne’s summary statement –noting we have previously quoted paragraph 10 earlier, but in a different context, hence it is important to re quote it here.

*and portray values which clearly differ from the values of the ONL. I consider effects on the landscape values of the ONL will be in the range of moderate to low.*

*In the context of visual amenity effects, I consider a pared back, rather than generic version, of the GIZ as proposed does not necessarily equate to an urban form. The proposed Structure Plan displays an appropriate response to the site and paired with appropriate provisions will ensure that the rural-industrial character that will result from the development of the zone is not urban in character because of its scale, intensity, visual character and dominance of built structures.”*

348. As we have previously noted, Mr Milne considered it essential that the Structure Plan Area he recommended be paired with provisions regarding mitigation planting, setbacks, building height, building coverage and building form, material and colour. This was to ensure, in his view, that the effects on landscape and visual amenity would be acceptable and that a rural-industrial character would prevail.
349. Mr Jones prepared evidence-in-chief, rebuttal evidence and reply evidence in relation to the CCCL submission. Mr Jones accepted that Mr Milne’s evidence provided a detailed and comprehensive analysis and assessment of the site and surrounding environment in relation to<sup>212</sup>:
- The landscape values of the site and receiving environment;
  - The landscape attributes and values in relation to landscape character, rural character and natural character, amenity and visual amenity;
  - The identification of the site specific landscape opportunities and constraints; and
  - The landscape sensitivity (and the identification of GISZ Developable Areas as part of a Structure Plan).
350. He also agreed with Mr Milne’s description of the attributes and values of the site and receiving environment outlined. However, Mr Jones had a differing and opposing view to Mr Milne regarding the ‘acceptability’ of the landscape and visual amenity effects of the rezoning proposal. His reasons for this are mostly addressed in his rebuttal evidence<sup>213</sup>.
351. Mr Jones considered Mr Milne underplayed the visibility of the site especially in relation to those views afforded from State Highway 6. Mr Jones’ opinion was that the majority of the north site and the eastern reaches of the southern site will be visible for long stretches along State Highway 6<sup>214</sup>. We agree and observed this on our site visit.

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<sup>212</sup> Paragraphs 5.6 and 5.7 of Mr Jones’ rebuttal evidence

<sup>213</sup> Pages 10 to 18 of Mr Jones’ rebuttal evidence

<sup>214</sup> Paragraph 5.12 of Mr Jones’ rebuttal evidence



352. Mr Milne stated<sup>215</sup> that GIA 3 (in the Structure Plan) is not visible due to being located internal to the development and setback from State Highway 6. Mr Jones disagreed, saying<sup>216</sup>

*“The ZTV undertaken provides topographical analysis of the visibility of the site and surrounding area. It is unclear as to whether the analysis is to the respective ground level of the receiving environment, but it is assumed so. As such, the respective 6m, 7m and 10m (up to 12m) height allowances for the respective GIAs will provide a different level of visibility analysis outcomes. Although I agree that the locations are somewhat discrete, I consider that there will likely be visibility of the built form at the scale enabled by the recommended provisions. As such, I consider that the site will not be able to absorb the scale of development to the extent that Mr Milne describes”.*

353. A further point made by Mr Jones is that the CCCL site is located at the ‘gateway’ entry to the District. He stated<sup>217</sup>:

*“When travelling west along SH6 toward Queenstown from Cromwell, when one comes around the sweeping corner the GIZ site will be immediately visible and in my opinion, development at the scaled anticipated within the GIAs will not be in keeping with the landscape character of the area and will not protect the values of the ONL.*

354. Furthermore, Mr Jones was not convinced that the Structure Plan provisions relating to the height, building coverage, setbacks, mitigation planting and green corridors (which he accepted would provide a positive outcome and an element of enhanced amenity to the site), would provide the level of mitigation anticipated by Mr Milne. On this basis, Mr Jones considered there could be no guarantee that they would serve their intended purpose, particularly in terms of protecting the landscape values of the ONL.

355. Mr Milne stated<sup>218</sup>

*“the “key consideration is that future development will not compromise the underlying landscape values of the ONL nor the visual amenity and landscape character of the rural landscape as experienced from State Highway 6”.*

356. Mr Jones had a different opinion. In response, he stated<sup>219</sup>:

*In my opinion, the values will be compromised and the proposal will not protect the landscape values of the ONL. It introduces an urban element and activity to the site at a scale (height and coverage) which is inappropriate in this setting and out of character resulting in adverse*

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<sup>215</sup> Paragraph 25 of Mr Milne’s evidence-in-chief

<sup>216</sup> Paragraph 5.23 of Mr Jones’ rebuttal evidence

<sup>217</sup> Paragraph 5.24 of Mr Jones’ rebuttal evidence

<sup>218</sup> Paragraph 31 of Mr Milne’s evidence-in-chief

<sup>219</sup> Paragraph 5.25 of Mr Jones’ rebuttal evidence

*effects on landscape character. Although Mr Milne states that some of the GIA's will not be visible, where they are visible they will be seen out of context and result in adverse effects on visual amenity.*

357. During the Hearing, we requested that Mr Milne prepare additional visualisations illustrating the respective boundaries of the proposed “development areas” when viewed from SH6, heading west from Cromwell. Mr Milne undertook ZTV analysis for ground level, 6m and 10m in relation to views of the southern part of the site.
358. Mr Milne and Mr Jones agreed on the locations of these representative viewpoints, and both agreed that GIZ development would be visible when travelling west along this stretch of State Highway 6 given the scale of future GIZ development anticipated by the requested rezoning. However they differed in their opinions on the extent to which the visible nature of the development would be an adverse landscape and visual effect.
359. It was Mr Milne’s opinion that *“These further studies demonstrate that only some of the proposed Developable/Activity Areas will be visible and paired with the planted amenity setbacks and further provisions, I consider that the site will be able to absorb the scale of development proposed”*<sup>220</sup>.
360. In his reply evidence, having reviewed Mr Milne’s evidence and Summary Statement, Mr Jones stated<sup>221</sup>:
- “After consideration of Mr Milne’s ‘Further Exhibits’<sup>222</sup>, I maintain my original assessment and remain opposed to the requested rezoning. In my opinion, from a landscape perspective, the proposed GIZ rezoning will inappropriately introduce urban elements, uncharacteristic to this landscape and will not protect the values of the ONL”.*
361. We have already addressed this issue of whether the rezoning request would create an urban environment (as Mr Jones suggested) or not (as Mr Milne suggested). We agree with Mr Jones that the rezoning would introduce “urban elements”, but go further and say that in our view, it will introduce an urban environment.
362. Mr Jones’ overall view of the request from a landscape and visual amenity perspective is that the GIZ proposal (and the development potential enabled) would provide a large scale change and introduce new and uncharacteristic features into this landscape. He acknowledged that the site has been subject to human modification in which the landscape values of the site and surrounding landscape have been adversely affected by that development. However, he was clearly of the view that this proposal would be inconsistent with the surrounding environment and would not serve to protect the landscape values of the ONL.

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<sup>220</sup> Paragraph 20 of Mr Milne’s Summary Statement of Evidence

<sup>221</sup> Paragraph 3.3 of Mr Jones Reply Evidence

<sup>222</sup> Attached to his Summary Statement and dated 12 August 2020

363. Mr Place also maintained his opposition to the CCCL request. In terms of the landscape matters he did not consider that the suite of planning provisions proposed by Mr Milne and Mr Giddens in the Structure Plan, and other bespoke zoning provisions, would appropriately address or protect the values of the ONL. In his reply evidence, he stated<sup>223</sup>:

*“For clarity, the total area that might be subject to built form would be less as a result of the proposed ‘Green Corridors’ and ‘Planted Amenity Setbacks’. However, I note that there are a number of areas identified on Mr Milne’s structure plan that are located within areas subject to the GIZ rezoning request, that are also not within either of the proposed ‘Green Corridors’ or ‘Planted Amenity Setbacks’. This issue relates to land both within and outside of the ONL.*

*In the absence of any other land use controls, development in these ‘other’ ONL areas would be subject to the standard set of provisions within Chapter 18A which have not been drafted to have the effect of managing specific effects of urban development within ONLs. In my opinion this presents a high level of incongruity with the proposal and is likely to result in unacceptable adverse effects on the ONL in this location.”*

364. We are not convinced by Mr Milne’s or Mr Giddens’ evidence that the landscape values of the ONLs will be protected by the rezoning request. We are more persuaded by Mr Jones’ and Mr Place’s evidence. The reasons are those already set out above. We find that the rezoning request would likely be contrary to the Environment Court’s interim landscape decision which gives a clear direction as to the provisions, noting that at the time of preparing this report there were no signed consent orders, being:

- Outstanding Natural Features and Outstanding Natural Landscapes – 3.2.5x and 3.2.5xx, and
- Rural Character Landscapes – 3.2.5.2, 3.2.5.2 iv and 3.2.5.2 v.

365. We agree with Mr Jones that the ONLs will not be protected due to the nature and scale of the development that would be enabled, and consider that that the adverse effects would be more than minor. While we accept Mr Milne’s opinion that the site would have some capacity to absorb change, again due to the nature and scale of the development that would be enabled, it could not without materially detracting from the existing rural character and visual amenity values.

366. The rezoning proposal would be contrary to policy 6.3.4 which seeks to “*avoid urban development and subdivision to urban densities in the rural zones*”<sup>224</sup>. We have already set out that we consider this rezoning to be urban development.

367. Overall, we find that CCCL’s rezoning request is inappropriate from a landscape and visual amenity perspective. The reasons for this are those set out above.

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<sup>223</sup> Paragraphs 5.5 and 5.6 of Mr Place’s reply evidence

<sup>224</sup> This policy is renumbered 6.3.2.1 in the Environment Court’s Interim decision on Chapter 6 but retains the same wording as 6.3.4 in the revised Chapter 6 we were provided with by Council.

### **Range of Other Bespoke Provisions**

368. Mr Giddens proposed a range of bespoke provisions, some of which we have addressed above. These included a range of prohibited activities with the landfill buffer area, building coverages and building heights in the three activity areas in the Structure Plan, green corridors, planted amenity setbacks, and a threshold coverage to trigger potential road upgrades.
369. We have not addressed some of these provisions in any detail as we have recommended that the submission be rejected on strategic, plan policy and adverse effects grounds. Given this, and that we find the suggested provisions would not overcome our reasons for our recommendation, we see no point in addressing those provisions in any greater detail. CCCL also sought a Rural Visitor Zone for this site. This rezoning request is addressed in Report 20.7: Chapter 46 Rural Visitor Zone.
370. We note that The Station at Waitiri Ltd<sup>225</sup> sought rezoning of a block of The Station, on the opposite side of State Highway 6 from the CCCL, land to GIZ, along with bespoke zone provisions. The submitter provided no evidence to support its relief. It was evident to us that many of the issues discussed in this section would also apply to that relief. Mr Place considered the two submissions and recommended rejection of both. In the absence of any evidence supporting The Station at Waitiri submission and/or demonstrating how it could be distinguished from CCCL, we agree that its relief should be rejected.

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<sup>225</sup> Submission #3357

## 5.5 Upper Clutha Transport Limited and Richardson re zoning

371. Upper Clutha Transport Limited and H W Richardson Group (UCT) sought two separate but related outcomes in their submission.

- Submission #3256– the rezoning of 13.89 ha of land at Church Road, Luggate (Church Road site) from Rural Zone to General Industrial Zone; and
- Submission #3285 – the rezoning of land at 114-126 and 132 Main Road, Luggate from Settlement Zone to Settlement Zone with a Commercial Precinct Overlay, or to Business Mixed Use Zone.



Aerial photo of subject site showing area of re-zoning request from Upper Clutha Transport Limited outlined in red.

372. While the submissions are closely related (UCT wishes to relocate its activities from its existing Main Road site to the Church Road site), they have each been addressed separately on their merits. This report only relates to the requested rezoning of the Church Road site. The Main Road site rezoning request is addressed in the Report 20.8.

373. UCT is long-established rural transport operator. It operates from its site at 114-126 Main Road, Luggate. The site activities comprise an office, workshop building, open-sided fertiliser shed and various other sheds and structures, storage areas, and vehicle parking and manoeuvring areas. The existing site is on SH6 within the Luggate settlement. UCT's business activities include freight and livestock movement, bulk cartage, earthmoving, fertiliser spreading, and the bulk supply of aggregate, sand, landscaping supplies and fertiliser.

374. We understand that UCT holds a contract to purchase the Church Road site; this site, having been identified by them as suitable for relocation of its business.

375. As set out by Mr Christensen, UCT’s legal counsel<sup>226</sup>:

*“Importantly, industrial zoning for the Church Road Site will effectively “close the circle”, by facilitating the opportunity for UCT to relocate (subject to obtaining resource consent and the usual commercial decision-making process) thereby paving the way for the more sustainable development of the existing site in Luggate township.*

376. Mr Christensen told us at paragraphs 21 and 22 of his legal submissions<sup>227</sup> that the Industrial zoning of the Church Road Site would also be consistent with the Strategic Direction chapters of the PDP, ensuring that future land use changes the rezoning would enable are not at odds with the overall direction established through the new District Plan.

377. We do not agree with Mr Christensen or Mr Edgar that zoning the site GISZ would be consistent with the Strategic Direction chapters of the PDP, and in this respect, we agree with Mr Place. We address this below.

378. Mr Christensen went on to say *“While the UCT submission sought GIZ zoning for the Church Road Site, an alternative industrial zoning is available under the PDP that would achieve a similar outcome –Rural Industrial Sub-Zone (RISZ)”*<sup>228</sup>. Mr Place’s recommendation is that the site be rezoned RISZ. It also appears to us, via Mr Place’s reply evidence, that Mr Edgar (at least) would support the RISZ outcome. For the reasons that follow, we agree and have, accordingly, recommended the site be zoned RISZ.

379. Mr Place advised in his section 42A report<sup>229</sup> that he was opposed to the GIZ zoning of the site. Of particular note is paragraph 8.1, set out below, with which we agree:

*I note that the GIZ is an urban zone, and granting the re-zoning request would result in an isolated pocket of urban development surrounded by rural land. In my view, this outcome is inconsistent with the strategic direction in Chapters 3 and 4 of the PDP. Strategic Objective 3.2.2.1 seeks to promote a compact, well designed and integrated urban form, and to protect the District’s rural landscapes from sporadic and sprawling development, among other things. Strategic Policy 3.3.14 seeks to avoid urban development outside UGBs, and Strategic Policy 3.3.15 seeks to locate urban development associated with settlements within land zoned for settlement purposes. This theme is carried through in the policies in Chapter 4. Of particular relevance, Policy 4.2.2.23, which is specific to the Upper Clutha Basin, requires that rural land outside of UGBs is not used for urban development until investigations indicate it is needed to meet urban development demand and UGBs are changed.*

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<sup>226</sup> Paragraph 2 of Mr Christensen’s Legal Submissions.

<sup>227</sup> Mr Edgar also addressed this in his planning evidence

<sup>228</sup> Paragraph 22 of Mr Christensen’s legal submissions

<sup>229</sup> Paragraph 8.14 – 8.7 (noting the out of sequencing of the numbers) and pages 80 to 86 of the section 42A report

380. Mr Edgar outlined in his evidence that “...*there is in my opinion no expectation in the PDP that all GIZ land must be located within a UGB*”<sup>230</sup>. We do not agree, and agree with Mr Place in this regard. Mr Place addressed this matter in some detail in his rebuttal evidence, setting out the relevant strategic provisions and the definition of urban development as per the relevant consent order that was before the Environment Court (Council’s legal Reply Statement attached the signed Consent Order, noting that the consent order removes from 4.2.2.23 the need to establish a demand for more land for urban development before an urban growth boundary is revised and land rezoned.
381. We have addressed the purpose, role and function of the UGB in relation to the CCCL request above. However, Luggate, as a settlement, does not have an UGB, and its settlement zoning provides primarily for low density residential activity with some limited visitor accommodation, commercial, commercial recreation and community activities. Commercial activity provided for where it is small-scale, primarily serving the local convenience purpose, and maintains residential amenity and character.
382. The activity proposed by UCT (and indeed its existing activity within Luggate) does not ‘fit’ within the Settlement Zone. Also, as the Church Road site is geographically separated from the ‘urban’ part of Luggate (by approximately 1 km) it is not ‘adjacent’ to the urban area of Luggate for the purposes of Policy 4.2.1.2. Moreover, urban development on the site would not be within Luggate as required by Policy 4.2.1.3. We do not find that an urban zoning, and in particular GISZ, is appropriate for this site.
383. As stated, we do not agree that the site should be zoned GISZ as we do not think that an ‘urban industrial park’ is appropriate in this location. However, we accept, on the evidence before us, that the site remain Rural, but with a RISZ over it. We find this is appropriate and better ‘fit’ for the site than GISZ and it will enable a smaller scale Rural Industrial sub zone. We address this below.
384. The RISZ’s<sup>231</sup> purpose is to provide for Rural Industrial Activity which the PDP defines as “*the use of land and buildings for the purpose of manufacturing, fabricating, processing, packing and/or storage of goods and materials grown or sourced within the Rural Zone and the storage of goods, materials and machinery associated with commercial contracting undertaken within the Rural Zone*”. We find that UCT’s activities would fit within that definition.
385. The purpose statement of RISZ (Chapter 21) states the following in regard to the RISZ:  
*‘In addition, the Rural Industrial Sub-Zone includes established industrial activities that are based on rural resources or support farming and rural productive activities.’*
386. Objective 21.2.13 and its associated policies (21.2.13.1 and 21.2.12.2) provide the more specific direction for the RISZ and state the following: Objective 21.2.13

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<sup>230</sup> Paragraph 76 of Mr Edgar’s evidence-in-chief

<sup>231</sup> Chapter 21 of the PDP

*‘Rural industrial activities and infrastructure within the Rural Industrial Sub-Zones will support farming and rural productive activities, while protecting, maintaining and enhancing rural character, amenity and landscape values.’*

387. Policy 21.2.13.1 states:

*Provide for rural industrial activities and buildings within established nodes of industrial development while protecting, maintaining and enhancing landscape and amenity values.*

388. Policy 21.2.13.2 states:

*Provide for limited retail and administrative activities within the Rural Industrial Sub-Zone on the basis it is directly associated with and ancillary to the Rural Industrial Activity on the site.*

389. It is our view that the activities undertaken by UCT, subject to the provisions we have imposed with respect to landscape, amenity and traffic matters, ‘fit’ with the objectives and policies stated above. Zoning the site RISZ would also assist in consolidating an “*established nodes of industrial development*” as set out in Policy 21.2.13.1.

390. We note that the adjoining site on Church Road currently contains an area of RISZ immediately to the south. This RISZ contains the operations of Upper Clutha Sawmill and Wānaka Firewood Ltd (located at 60 Church Road) as well as Alpine Deer New Zealand (located at 50 Church Road). We add for completeness that the site which adjoins the Submitter’s land immediately to the north (116 Church Road) appears to be used for a range of Industrial and Service activities including Central Trusses and Frames Ltd, Wānaka Towing Services, Restoration Blasting Central Otago Ltd and Alpine Powder Coating Ltd, but is not located within the RISZ.

391. It is clear to us that the immediate and wider context of land uses along Church Road, lends itself to being considered an established node of industrial development as specified in Policy 21.2.13.1.

392. Overall, we agree with Mr Place that the RISZ is an appropriate mechanism to provide for the submitter’s request. Subject to some limitations on the use of the land (which we address below) we find that UCT’s activities are sufficiently supported by the Chapter 21 provisions to recommend a RISZ be applied over the site.

#### **Scale of the Proposed Built Form and Activities Proposed by UCT**

393. At the hearing, we expressed some concern as to the potential scale of development that could occur at the site should the land be rezoned RISZ, and whether this would protect, maintain and enhance landscape and amenity values as required by Policy 21.2.13.1. We noted that Rule 21.13.4 permits buildings for Rural Industrial Activities provided they meet the standards set out within Table 11 of Chapter 21. Rule 21.14.2 restricts buildings to a ground floor area of 500 m<sup>2</sup>, beyond which a restricted discretionary activity resource consent is required.

394. In his reply evidence, Mr Place advised that following the close of the hearing, Mr Edgar (planning expert for the Submitter) and Mr Espie (landscape expert for the Submitter) had been in discussion with Mr Jones (landscape expert for Council) and Mr Place to seek agreement, where possible, on a set of RISZ provisions to address, among other things, landscape issues. While we understand Mr Edgar and Mr Espie do not fully agree with the revised provisions provided by the



Council's expert, including the structure plan provisions (addressed below), we are of the view that not only they are necessary from a landscape, rural character and amenity, but that additional controls are necessary to restrict the scale of buildings that can be built before a Restricted Discretionary resource consent is necessary.

395. We specifically requested Mr Jones provide comment on the Chapter 6 Policy 6.3.4.6 (as renumbered in the latest version of Chapter 6 we were provided with, reflecting the outcome of Environment Court interim decisions and mediations) as to whether the Upper Clutha Transport rezoning proposal will:

*“Avoid adverse effects on visual amenity from subdivision, use and development that:*

- (a) is highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); or*
- (b) forms the foreground for an Outstanding Natural Landscape or Outstanding Natural Feature when viewed from public roads...” (emphasis added).*

396. In particular, we were concerned about the relevance of public views from the Department of Conservation Upper Clutha River Track, and also whether the site, if rezoned as requested, would restrict or obstruct views of the ONL (Grandview Ranges). Having re-visited the site and undertaken an assessment of the proposal, it was Mr Jones' opinion that mitigation was required if the site was to be suitable from a landscape perspective for the zoning sought. This included BRAs, the identification of three separate Activity Areas with specific building setbacks from the respective boundaries, building height restrictions and landscape planting measures.

397. Mr Jones detailed these requirements, and these were set out in his reply evidence. This included:

- (a) A BRA setback along the eastern boundary (extending from the southern boundary north to Activity Area 1 – AA1) being widened to 40m (the submission originally proposed a setback of 20m) with the setback being measured from the ONF line where it is located within the boundary of the site or the site boundary, whichever is further west;
- (b) To the west of this BRA setback, a 10m wide strip to be included (Activity Area 2 – AA2) with a maximum building height of 6m. This strip extends adjacent to Activity Area 3 (AA3) north to AA1. The 6m maximum height ensures a 'step' in building height to AA3, which has a maximum building height of 10m;
- (c) Along the eastern and northern boundaries (adjacent to AA1 within the northern part of the site) the BRA should be at least 20m wide;
- (d) A 20m BRA and 10m wide AA2 area to be provided along the southern boundary;
- (e) A 20m BRA is retained along the western boundary with Church Road; and
- (f) Comprehensive landscape planting treatment is provided within the BRA areas. This is to include vegetation that can grow to a height that will significantly screen future built form within the site when viewing from the north and east, and visual softening when viewing from the west.

398. It was Mr Jones' opinion that the landscape planting treatment must significantly screen new buildings across the site, particularly when viewing from the east from the public track. It was his view that if the measures he recommended were imposed they would provide a landscape buffer and additional setback for future buildings away from the Clutha River ONF and public track, and surety to the level of screening to be provided. Furthermore, it was his recommendation that the landscape treatment along the respective edges (within the BRAs) would be *"critical to the integration of future built form on this site. In my opinion, the plan provision should also state that the landscape treatment (within all BRAs) must be implemented prior to the commencement of any construction within the site"*<sup>232</sup>.
399. We agree, and given the values of the site in terms of landscape and amenity, the proposed measures will assist in avoiding potential adverse effects on visual amenity in the context of the surrounding environment. However, we have determined that on landscape and amenity grounds, some total ground floor area scale is needed so as to limit what could be built as of right<sup>233</sup>, and beyond that, assess the impact on landscape and amenity through a Restricted Discretionary resource consent.
400. We therefore recommend a limit (as a permitted activity) a total of no more than 5 buildings within Activity Areas 1, 2 and 3 (on the structure plan)<sup>234</sup> with Rule 21.14.2 restricting the maximum ground floor area of any individual building within those Activity Areas to 500m<sup>2</sup>. Beyond this total number of buildings a Restricted Discretionary resource consent is required, with discretion restricted to:
- Landscape effects; and
  - Visual amenity effects of the height, scale, location and appearance of the buildings when viewed from adjacent sites, roads and public places
401. In order to ensure that landscape-related matters of discretion are able to be taken into account for larger individual buildings in these Activity Areas, we also recommend that reference to "landscape effects" be included in Rule 21.14.2.

#### **Traffic Related Matters**

402. Mr Carr presented expert traffic related evidence in relation to UCT's proposal to develop the site. He estimated that without any specific control on the extent of buildings, the proposed GISZ (as sought) could accommodate in the region of 50,000m<sup>2</sup> of gross floor area. Mr Edgar pointed out in his evidence<sup>235</sup> *"...that this was an outcome far in excess of what the submitter envisages for*

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<sup>232</sup> Paragraph 2.10 of Mr Jones' Reply evidence

<sup>233</sup> We were advised by UCT this could be up to 25,000 m<sup>2</sup>.

<sup>234</sup> Noting that no buildings are permitted as of right in Activity Area 1

<sup>235</sup> Paragraph 69 of Mr Edgar's evidence-in-chief

*the site and could potentially compromise the safety and efficiency of the surrounding road network”.*

403. Mr Edgar considered that in order to control the extent of built development that the site could accommodate, and in turn limit the extent of projected vehicle movements, a limit of 25,000 m<sup>2</sup> of gross floor area within the zone was required. Mr Edgar noted that, *“The submitter’s immediate plans for the submission site (being the relocation of existing activities from the Main Road site) would account for less than half of the proposed total gross floor area. As such the proposed floor area limit comfortably provides for current and potential future aspirations for the development of the site”*<sup>236</sup>.

404. Mr Rossiter’s (transport expert for Council) reply evidence addressed this matter. Overall, he was not opposed to the land being rezoned RISZ. However, he observed<sup>237</sup> that, *“As noted by Mr Carr in his Evidence in Chief, the average traffic generation rates of Industrial type activities can vary widely (paragraph 29). Based on the information available in the Trips and Parking Database, I have estimated that the average daily traffic generation rates are five to ten times the peak hour generation rates. Based on an average daily traffic generation rate of 10vpd per 100m<sup>2</sup> GFA (five times Mr Carr’s peak hour rate), an average daily traffic generation of about 1,000vpd could be expected when 10,000m<sup>2</sup> GFA was established within the zone.*

*On this basis, I consider that it would be appropriate for development above this threshold to be a restricted discretionary activity with matters of discretion including effects on the transport network”.*

405. Mr Place agreed with Mr Rossiter and proposed the ‘threshold’ of 10,000m<sup>2</sup> GFA, after which a Restricted Discretionary resource consent would be required. He proposed that discretion be restricted to:

- Effects on the transport network;
- Access, onsite manoeuvring and loading; and
- Any necessary roading upgrades.

406. We agree with the views of Mr Rossiter and Mr Place, and have recommended the 10,000m<sup>2</sup> GFA threshold.

#### **Workers Accommodation (Residential Accommodation)**

407. UCT sought that “workers accommodation” be a Restricted Discretionary activity on their rezoned site at Luggate<sup>238</sup>. It was Mr Edgar’s opinion that workers accommodation in the GISZ or RISZ at

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<sup>236</sup> Paragraph 70 of Mr Edgar’s evidence-in-chief

<sup>237</sup> Paragraphs 3.7 and 3.8 of Mr Rossiter’s reply evidence

<sup>238</sup> Mr Edgar proposed a rule for the GISZ zone and the RISZ

Luggate that is ancillary to industrial and service activities was both necessary and appropriate. As a Restricted Discretionary activity, he proposed that discretion be restricted to:

- a acoustic insulation; and
- b The extent to which the workers accommodation fulfils the functional needs of the associated industrial and service activities.

408. We had initially understood that the worker's accommodation was for overnighting truck drivers who needed a place to sleep before either an on-going journey or to return home, in order to meet the requisite number of hours 'break' needed from driving. However, it was made clear at the hearing that UCT was seeking permanent residential accommodation for its workers.

409. In terms of the RISZ and the rural provisions there is no objective or policy 'support' for residential activity. Policy 21.2. 13.1 seeks to provide for "*limited retail and administrative activities within the Rural Industrial SubZone on the basis it is directly associated with and ancillary to the Rural Industrial Activity on the site*". While not directly referencing residential or workers accommodation, it can be inferred that the rural zone and the sub-zone would not support residential accommodation as sought by UCT. Moreover, the residential accommodation as sought by UCT, under a RISZ, would be a discretionary activity under the current rules (rule 21.4.9).

410. Mr Place addressed UCT's (and Mr Edgar's evidence) request for accommodation for workers in his section 42A report<sup>239</sup> and Rebuttal evidence. He did not support provision for workers accommodation. He stated (in reference to the GISZ zoning request):<sup>240</sup>

*"In my opinion the Zone is not suitable for residential accommodation. In particular, I do not consider that the Zone would provide desirable, healthy or safe places to live<sup>241</sup>. While the Zone provisions are set out to provide a level of amenity which make it a healthy and safe place to work and visit, this does not extend to the Zone as being a place to live and it is not expected that the level of amenity within the Zone provide for this on account of the type of effects associated with the activities likely to locate within it.*

411. Mr Place went on to say that he understood (as we did) that UCT sought the facilities as required for 'rest' purposes. He did not consider that such facilities would be precluded by the notified provisions, as the provision of a room or other space for employees to rest or recuperate from their activities would not be a separate 'residential' activity. We agree.

412. We also note that Luggate, Hāwea and Wānaka are not too distant from the Church Road site. Residential accommodation is provided for in those urban environments for those who require more than a 'rest'.

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<sup>239</sup> Paragraphs 5.88 – 5.90 of Mr Place's Section 42A report and paragraphs 10.15 to 10.17 of his Rebuttal Evidence

<sup>240</sup> Paragraphs 5.89 of Mr Place's Section 42A report

<sup>241</sup> Referencing Strategic Objectives 3.2.2.1(c) and 3.2.6

## Overall Conclusion

413. For all of the reasons set out above, we have recommend that the Church Road site remain zoned Rural, but be included within a RISZ. Given the landscape, character and amenity values of the site and its surroundings we have suggested a limitation on the total development of the site to ensure that those landscape and amenity values are protected, maintained and enhanced by any development. We have also ensured that transportation matters can be appropriately addressed by identifying a GFA threshold beyond which an assessment is required in terms of traffic related issues.

## 5.6 Willowridge Developments Limited – expanding the land zoned GISZ on Ballantyne Road and Riverside Drive.

### Area on the Corner of Ballantyne Road and Riverside Drive

414. Willowridge Developments Limited (Willowridge) sought to extend the notified GISZ to include the entirety of the site at 135 Ballantyne Road. The consequence of this relief is that land in the southern corner (contained within the PDP Rural Zone)<sup>242</sup> of 0.35 hectares of land be rezoned to GISZ.

415. The submitter suggested that Area 1 (the land currently within the PDP Rural Zone) is too small to serve any useful purpose for rural zone related activities, that it is surrounded by industrial activity, and that it is therefore more appropriately located within the GIZ. The surrounding land uses consist of the QLDC animal control pound, Wānaka Wastebusters, Wānaka Landfill Ltd and the ORC yard, as well as being next to Designation ref 571 (Purpose: Electricity Substation and Ancillary Purposes) and Designation ref 50 (Purpose: Closed landfill and Transfer Facility).



Aerial photo of subject site showing area of re-zoning request outlined in red.

<sup>242</sup> Shown in the section 42A report as Area 1 in Figure 5 –page 76

416. Ms Devlin, in-house planner for Willowridge, stated in her evidence-in-chief:<sup>243</sup>

*Excluding this area from the GIZ would result in a very small area of the land parcel remaining Rural Zone with no practical ability to use it for rural purposes. The land is hemmed in by Riverbank and Ballantyne Road and the adjacent land uses comprise the QLDC animal pound, and Aurora Energy substation and Wanaka Wastebusters, all of which are industrial-type activities. The most appropriate zoning for this remaining piece of land is industrial. I note the QLDC's S42A report prepared by Luke Place recommends the land be included in the GIZ for these reasons.*

417. We agree with both Mr Place and Ms Devlin that the land should be zoned GISZ and not Rural. The reasons are those in the section 42A report<sup>244</sup> and Ms Devlin's evidence<sup>245</sup>.

418. However, as noted by Mr Place, given his view that an urban rezoning is appropriate on the site, he considered that an extension of the Urban Growth Boundary (UGB) was appropriate in this context (as the spatial extent was so small), noting that Willowridge had not sought that the UGB be extended. Ms Devlin agreed<sup>246</sup>.

419. We accept that extending the UGB to accommodate this small zone extension is appropriate in this case due to the small scale and lack of any strategic consequences, and that it will 'give effect' to the urban strategic provisions of the PDP. Furthermore, we find that the relief sought for this area of land better achieves the PDP Strategic Direction and Urban Development Objectives than the notified rural zoning and provisions that would have otherwise applied to the site.

#### **Area on Riverside Drive and Adjoining land zoned LDSRZ**

420. Willowridge requested that approximately 0.57 hectares of land in the eastern corner of the site (contained within the Notified LDSRZ (Three Parks)<sup>247</sup> be rezoned to GISZ. Ms Devlin said in her evidence-in-chief that<sup>248</sup>:

*This area of land is a narrow point of Sec 2 SO519746 between the proposed GIZ and Three Parks residential zone that reads more as part of Lot 3 DP17123 than Sec 2 SO519746. A residential subdivision design on this site would be constrained by the dimensions of the site*

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<sup>243</sup> Paragraph 14 of Ms Devlin evidence-in-chief

<sup>244</sup> Paragraphs 8.3 to 8.7 of the section 42A report (pages 77 – 78)

<sup>245</sup> Paragraphs 13 -15 of Ms Devlin evidence-in-chief

<sup>246</sup> Paragraph 15 of Ms Devlin evidence-in-chief

<sup>247</sup> Shown in the section 42A report as Area 2 in Figure 5 –page 76

<sup>248</sup> Paragraph 7.1 of Ms Devlin's evidence-in-chief

*and the need to protect the amenity of the residential sites from the reverse sensitivity effects of the GIZ. The site would be more effectively developed as part of the GIZ.*

421. We note that we have addressed the zoning of the 5 metre wide strip of land from Riverbank Drive to the 101 Ballantyne Road site<sup>249</sup> immediately to the west of the land the subject of submission in Report 20.5 – Open Space and Recreation – Active Sport and Recreation Subzone (101 Ballantyne Road). Relevant to this report, we have recommended retention of the zoning of that strip of land as GISZ, due to its likely use (pedestrian/non-motorised access to the 101 Ballantyne Road) and it forming a ‘buffer’ between the land zoned for residential and industrial and service activities.

422. Mr Place addressed the issue in his Section 42A report<sup>250</sup> as follows:

*For the area to the east (Area 2), where it is sought to rezone notified LDSRZ land to GIZ, Willowridge submits that in order to achieve the best urban design outcome, the boundary of the GIZ should move further to the east in line with the land at 101 Ballantyne Road so as not to create a strip of residential activity that may be adversely affected by future industrial activity. Whether there is adequate separation between incompatible land uses is a relevant rezoning principle to consider.*

*In my view the relief sought does not improve on the notified provisions, other than having a marginally smaller shared boundary. The notified GIZ provisions require a 7 metre setback for buildings between zones and the noise provisions of the adjoining zone would apply as it is measured within the zone which it could effect [sic]. No building setback between zones are [sic] required where a site adjoins other sites within the GIZ. Further, Objective 18A.2.4 and its associated policies set out that activities and development within the GIZ are to be undertaken in a way that does not adversely affect the amenity of other zones.*



Aerial photo of subject site showing area of re-zoning request outlined in red.

<sup>249</sup> This strip is part of the 101 Ballantyne Road title, and owned by the Council

<sup>250</sup> Paragraphs 8.9 and 8.10 of the section 42A report (page 79)

423. On balance we prefer the view of Mr Place, and do not think it is the most appropriate outcome to rezone the land GISZ.

## **6. OVERALL RECOMMENDATION**

424. Having considered the evidence before us, we have formed the view that save as identified above, the notified provisions of the Chapter 18A and the variations are the most appropriate way to give effect to the stated objectives. To the extent that we have recommended amendments to the notified provisions, our reasons are as set out above.

425. Accordingly, we recommend that Chapter 18A and the variations be adopted by Council in the form attached.

426. We also attach as an appendix to our Report, a summary table setting out our recommendation in relation to each primary submission. We have not listed further submissions as the result in respect of any further submission necessarily follows the recommendation on the primary submission, whether that be supported or opposed.



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**Trevor Robinson**  
**Chair**  
**Stream 17 Hearing Panel**

**Dated: 12 January 2021**

### **Attachments**

**Appendix 1- Recommended Revised Proposed Plan Provisions**

**Appendix 2- Table of Submitter Recommendations**



## **Appendix 1- Recommended Revised Plan Provisions**

### Appendix 2- Table of Submitter Recommendations

o.	Submitter	Submission	Recommendation	Section where Addressed
3003	Thomas Michael	That the Bush Creek Road area of Arrowtown be rezoned from General Industrial to a mixed use zone.	Accept in Part	5.3
3003	Thomas Michael	That the submitter's property at 14 Bush Creek Road, Arrowtown, is rezoned to one zone, rather than the current split zoning.	Reject	5.3
3003	Thomas Michael	That the General Industrial Zone chapter be Reject.	Accept in Part	4
3004	Peter Bullen	That the operative Industrial B Zone be retained.	Reject	4
3004	Peter Bullen	That the proposed General Industrial Zone only applies to newly developed vacant land.	Reject	4.2
3015	Gillian Macleod	That other areas within the District be rezoned for industrial purposes, for example at Kingston or other hidden areas similar to the Coneburn Industrial Zone.	Reject	5.2
3015	Gillian Macleod	That the General Industrial Zone provisions should not take away people's existing use rights.	Accept in Part	4.2
3015	Gillian Macleod	That the Frankton Flats master plan included in section 5 of the submission be considered.	Reject	5.2
3015	Gillian Macleod	That consideration be given to the tension between the intent to retain industrial land and the Frankton Flats Mater Plan.	Reject	5.2
3017	Rae & Dave Wilson	That the current Industrial B Zone provisions restricting building height to 7 metres be retained for that land located between Gordon Road and Frederick Street in Wanaka.	Accept in Part	4.2
3017	Rae & Dave Wilson	That the existing 7 metre height restriction be retained on any industrial areas situated on high visible land.	Accept in Part	4.2
3030	Jacqueline Macdonald	That Chapter 18A General Industrial Zone be Reject.	Accept in Part	4
3032	Spark, Chorus and Vodafone	That Rule 30.5.6.6(a) is amended by adding the General Industrial Zone to the list of zones subject to an 18m height limit.	Accept in Part	4.2
3034	Anne McConnell	That an alternative proposal with Business Mixed Use Zone located close to residential areas be adopted.	Reject	5.1
3034	Anne McConnell	That the General Industrial Zone be rezoned to Business Mixed Use close to residential areas.	Reject	5.1

o.	Submitter	Submission	Recommendation	Section where Addressed
3041	Horder family	That the objectives, policies and Rule 18A.4.12 which states that Trade Suppliers in the General Industrial Zone are a prohibited activity be Reject.	Accept in Part	4.2
3044	Michael Hetherington	That the Alternative Plan as shown in the Upper Clutha Messenger (6/11/19, pp.26-27) is adopted.	Reject	5.1
3047	Queenstown Engineering	That a minimum of 100 additional car parks be installed in the Glenda Drive area	Reject	4.2
3049	Peter Wheen	That the General Industrial Zone be rezoned to Business Mixed Use	Reject	5.1
3070	Susan Vogel	That there should be a sensible transition from residential to Business Mixed Use to Industrial.	Reject	5.1
3070	Susan Vogel	That there should be no heavy industry.	Reject	5.1
3070	Susan Vogel	That there should be less area in General Industrial Zone.	Reject	5.1
3070	Susan Vogel	That there should be clean air around schools and retirement villages.	Reject	5.1
3072	Millet Investments	That chapter 18A General Industrial Zone be Reject.	Accept in Part	4
3072	Millet Investments	That 134 Ballantyne Road be rezoned from notified General Industrial Zone and retain the Industrial A zoning.	Reject	5.1
3079	Millet Investments	That Industrial use should be kept to Ballantyne Road and other outlying purpose build industrial areas.	Reject	5.1
3080	Transpower New Zealand Limited	That 18A.3.3 be amended to include the following advice note: 18A.3.3.1 Land use activities within the National Grid Yard are managed in Chapter 30 Energy and Utilities.	Accept in Part	4.2
3109	Southern District Health Board	That the intent of the General Industrial Zone is retained as notified.	Accept in Part	4
3109	Southern District Health Board	That a staged approach be applied in removing Residential Activities from the General Industrial Zone.	Reject	4.2
3111	Schist Holdings Limited	That further consideration be given to a two zone approach that reflects the nature of the industrial area or that the objectives, policies and rules be amended to reflect that existing industrial areas zoned Industrial A have been developed already in a way that is not pure industrial and to provide continual operation of these premises.	Accept in Part	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3111	Schist Holdings Limited	That the proposed General Industrial Zone provisions apply to new greenfield industrial areas only rather than existing industrial areas or that the objectives, policies and rules be amended to reflect that existing industrial areas zoned Industrial A have been developed already in a way that is not pure industrial and to provide continual operation of these premise.	Accept in Part	4.2
3111	Schist Holdings Limited	That the General Industrial Zone be split into A and B zones to reflect the different nature of the existing industrial areas within the Queenstown Lakes District or alternatively: Amend Chapter 18A to reflect the different nature of the areas currently zoned Industrial A, in particular, the Glenda Drive area which has more office and commercial uses, than industrial and light industrial uses; Amend 18A.1 (Purpose) to recognise the different nature of the Glenda Drive area which contains many commercial and office activities and is more business in nature; Amend Objective 27.3.13 to recognise the Glenda Drive industrial area is not primarily occupied by industrial or service activities but rather office and commercial activities are common; Amend Policy 18A.2.2.1 to exclude the Glenda Drive industrial area and other industrial areas zoned Industrial A under the Operative District Plan; Add a new Policy 18A.2.2.1A as follows: Recognise the Glenda Drive industrial area contains a large number of established office and commercial activities and enable their continued operation; Amend Policy 27.3.13.1 to recognise that the Glenda Drive industrial area is not primarily occupied by industrial or service activities but rather offices and commercial activities are common; Amend Policy 27.3.13.6 to recognise that the Glenda Drive industrial area is not primarily occupied by industrial or service activities but rather offices and commercial activities are common Amend Rule 18A.4.5 for Buildings from Restricted Discretionary to Controlled and amend the matters of discretion to matters of control; Amend Rule 18A.4.10 from non-complying to discretionary, in recognition that offensive trades will inevitably be located in General Industrial Zone (as amended through submissions). Amend Rule 18A.4.12 to remove Trade Suppliers from being a prohibited activity and make these a controlled activity in the Glenda Drive Industrial area; Amend Rule 18A.4.14 to remove Office and Commercial activities and make these a controlled activity in the Glenda Drive industrial area. Amend Rule 18A.5.1 to enable a greater amount of ancillary office, retail	Accept in Part	4

o.	Submitter	Submission	Recommendation	Section where Addressed
		<p>and commercial activities in the Glenda Drive industrial area, specifically, provide for between 50 - 150 m2 as a controlled activity, and 150m2 or greater as a restricted discretionary activity; Amend Rule 18A.5.2 to clarify it, as it contains confusing wording listing Licensed Premises as non-complying but then has in brackets (Excluding the sale of liquor).</p>		

o.	Submitter	Submission	Recommendation	Section where Addressed
3111	Schist Holdings Limited	<p>That a revised zoning apply to those areas currently zoned Industrial A under the Operative District Plan that is more enabling of commercial, office and trade supply activity or alternatively: Amend Chapter 18A to reflect the different nature of the areas currently zoned Industrial A, in particular, the Glenda Drive area which has more office and commercial uses, than industrial and light industrial uses; Amend 18A.1 (Purpose) to recognise the different nature of the Glenda Drive area which contains many commercial and office activities and is more business in nature; Amend Objective 27.3.13 to recognise the Glenda Drive industrial area is not primarily occupied by industrial or service activities but rather office and commercial activities are common; Amend Policy 18A.2.2.1 to exclude the Glenda Drive industrial area and other industrial areas zoned Industrial A under the Operative District Plan; Add a new Policy 18A.2.2.1A as follows: Recognise the Glenda Drive industrial area contains a large number of established office and commercial activities and enable their continued operation; Amend Policy 27.3.13.1 to recognise that the Glenda Drive industrial area is not primarily occupied by industrial or service activities but rather offices and commercial activities are common; Amend Policy 27.3.13.6 to recognise that the Glenda Drive industrial area is not primarily occupied by industrial or service activities but rather offices and commercial activities are common Amend Rule 18A.4.5 for Buildings from Restricted Discretionary to Controlled and amend the matters of discretion to matters of control; Amend Rule 18A.4.10 from non-complying to discretionary, in recognition that offensive trades will inevitably be located in General Industrial Zone (as amended through submissions).</p> <p>Amend Rule 18A.4.12 to remove Trade Suppliers from being a prohibited activity and make these a controlled activity in the Glenda Drive Industrial area; Amend Rule 18A.4.14 to remove Office and Commercial activities and make these a controlled activity in the Glenda Drive industrial area. Amend Rule 18A.5.1 to enable a greater amount of ancillary office, retail and commercial activities in the Glenda Drive industrial area, specifically, provide for between 50 - 150 m2 as a controlled activity, and 150m2 or greater as a restricted discretionary activity; Amend Rule 18A.5.2 to clarify it, as it contains confusing wording listing Licensed Premises as non-complying but then has in brackets (Excluding the sale of liquor).</p>	Accept in Part	4

o.	Submitter	Submission	Recommendation	Section where Addressed
3111	Schist Holdings Limited	That any other consequential changes necessary to achieve the relief in the submission be provided.	Consequential	Consequential
3128	Tussock Rise Limited	That the notified General Industrial Zone be Reject and rezoned to Business Mixed Use Zone, or split zone the Tussock Rise site Low Density Suburban Residential and Business Mixed Use Zone with separating boundary generally being the future road connection between Connell Terrace and Gordon Road .	Reject	5.1
3128	Tussock Rise Limited	That the notified General Industrial Zone over land south of the row of subdivided lots on the southern side of Frederick Street, and South of the former oxidation ponds be supported.	Accept	5.1
3128	Tussock Rise Limited	That the General Industrial Zone be split into A and B zones to reflect the different nature of the developed industrial area south of Frederick Street compared to the possible greenfield industrial areas on the former oxidation pond site and south of the former oxidation pond site.	Reject	4.2, 5.1
3128	Tussock Rise Limited	That any other consequential changes necessary be made to achieve the submission's relief sought.	Consequential	Consequential
3129	Queenstown Lakes District Council	That provision 31.6.1 (Table 31.6 of Chapter 31 -Signs) be varied to identify static signage platforms that is one of the sign types listed in Rules 31.6.2 to 31.6.5 and complies with the relevant Chapter 31 standards in the notified General Industrial Zone as a controlled activity.	Accept	4.3
3129	Queenstown Lakes District Council	That provision 31.6.2 (Table 31.6 of Chapter 31-Signs) be varied to identify arcade directory signs in the notified General Industrial Zone as a permitted activity.	Accept	4.3
3129	Queenstown Lakes District Council	That provision 31.6.3 (Table 31.6 of Chapter 31 - Signs ) be varied to identify upstairs entrance signs in the notified General Industrial Zone as a permitted activity.	Accept	4.3
3129	Queenstown Lakes District Council	That provision 31.6.4 (Table 31.6 of Chapter 31 -Signs) be varied to identify all signs located within the ground floor facade of a building in the notified General Industrial Zone as a controlled activity.	Accept	4.3
3129	Queenstown Lakes District Council	That provision 31.6.5 (Table 31.6 of Chapter 31 -Signs) be varied to identify above ground floor signs in the notified General Industrial Zone as a controlled activity.	Accept	4.3

o.	Submitter	Submission	Recommendation	Section where Addressed
3129	Queenstown Lakes District Council	That provision 31.6.6 (Table 31 of Chapter 31-Signs) be varied to identify digital signage platforms within the ground floor facade of a building in the notified General Industrial Zone as a prohibited activity.	Accept	4.3
3129	Queenstown Lakes District Council	That provision 31.6.7 (Table 31.6 of Chapter 31 -Signs) be varied to identify digital signage platforms above ground floor level in the notified General Industrial Zone as a prohibited activity.	Accept	4.3
3129	Queenstown Lakes District Council	That provision 31.6.8 (Table 31.6 of Chapter 31 - Signs) be varied to identify digital signs not located within a digital signage platform in the notified General Industrial Zone as a prohibited activity.	Accept	4.3
3129	Queenstown Lakes District Council	That provision 31.6.9 (Table 31.6 of Chapter 31 -Signs) be varied to identify billboard signs in the notified General Industrial Zone as a prohibited activity.	Accept	4.3
3129	Queenstown Lakes District Council	That provision 31.6.10 (Table 31.6 of Chapter 31 - Signs) be varied to identify any sign activity which is not listed in Table 31.4 or Rules 31.6.1 to 31.6.9 inclusive in the notified General Industrial Zone as a discretionary activity.	Accept	4.3
3130	Bright Sky Land Limited	That the existing Industrial A and Industrial B land in Wanaka should be rezoned Business Mixed Use or Business Mixed Use and Lower Suburban Residential.	Reject	5.1
3130	Bright Sky Land Limited	That the General Industrial Zone at Ballantyne Road, off Enterprise Drive (Lot 99 DP 445766 & Lot 3 DP 374697) be retained as notified.	Accept	5.1
3130	Bright Sky Land Limited	That areas with existing development within the General Industrial zone have a more enabling framework with less prohibited activities.	Accept in Part	4.2
3130	Bright Sky Land Limited	That the General Industrial Zone at 135 Ballantyne Road is supported as notified.	Accept in part	5.6
3132	Erena Barker	That the Business Mixed Use Zone should be retained.	Reject	4.2, 5.1
3134	Ian Piercy	That the General Industrial Zone is opposed.	Accept in Part	5.1
3134	Ian Piercy	That the alternative proposal as outlined in the Upper Clutha Messenger is adopted.	Reject	5.1
3136	AJ Strain	That the General Industrial Zone proposal be Reject.	Accept in Part	4.2
3136	AJ Strain	That residential and office activities be a permitted activity.	Accept in part	4.2



o.	Submitter	Submission	Recommendation	Section where Addressed
3136	AJ Strain	That the setback remain at 2 metres.	Accept in Part	4.2
3136	AJ Strain	That further review of the General Industrial Zone proposal be undertaken.	Accept in Part	4.2
3136	AJ Strain	That it is not necessary for Council planners to have more control over design, colours and landscaping.	Reject	4.2
3137	Marly Wheen	That the General Industrial Zone as notified in Wanaka should be reduced.	Accept in part	5.1
3137	Marly Wheen	That the area notified in Wanaka as General Industrial Zone instead be zoned as Business Mixed Use.	Reject	5.1
3137	Marly Wheen	That the General Industrial Zone be located away from residential areas.	Reject	5.1
3147	Tekoa House Limited	That the properties on the western side of Ballantyne Road be zoned Business Mixed Use.	Reject	5.1
3151	MCS Holdings Gordon Road	That prohibited activity rule 18A.4.12 be amended so that trade suppliers on 30 Gordon Road are not prohibited.	Accept	4.2
3152	Ministry of Education	That a new policy be added to the policies in section 18A.2 as follows: "Enable educational facilities to establish throughout the General Industrial Zone, ensuring that the scale and effects of these activities do not adversely affect Industrial and Service activities."	Reject	4.2
3152	Ministry of Education	That a new restricted discretionary activity, "Educational Facilities", be added to Table 18A.4, with the following matters of discretion: 1. The extent to which it is necessary to locate the activity with the General Industrial Zone. 2. Reverse sensitivity effects of adjacent activities. 3. The extent to which the activity may adversely impact on the transport network. 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	4.2
3153	Aurora Energy Limited	That "electricity supply" be added to matter of discretion (f) under Rule 18A.4.5 where buildings require restricted discretionary activity resource consent.	Reject	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3153	Aurora Energy Limited	That a new rule be added to section 18A.6 Non-notification of Applications: "For any application for resource consent where Rule 18A.4.5(k) is relevant, the Council will give specific consideration to Aurora Energy Limited as an affected person for the purposes of section 95E of the Resource Management Act 1991." And make a consequential amendment to Rule 18A.6.1 to add an exception for the new rule, for example by adding the words "Except as provided for under Rule 18A.6.x" at the beginning of Rule 18A.6.1.	Accept in Part	4.2
3153	Aurora Energy Limited	That Policy 27.3.13.5 be retained as notified.	Accept	4.2
3153	Aurora Energy Limited	That the following be added as a matter of discretion to Rule 18A.4.5 (Buildings): "Where Electricity Sub-Transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps is located within the adjacent road or the subject site any adverse effects on that infrastructure."	Accept	4.2
3153	Aurora Energy Limited	That the following advice note be added to section 18A.3: "New Zealand Electrical Code of Practice for Electrical Safe Distances ("NZECP34:2001") Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances ("NZECP34:2001") is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34:2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation. 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 <a href="http://www.auroraenergy.co.nz">www.auroraenergy.co.nz</a> or contact Aurora for advice."	Accept in Part	4.2
3153	Aurora Energy Limited	That Policy 27.3.13.5 be retained as notified.	Accept	4.2
3154	Shona & Bob Wallace	That the 10 metre maximum height limit in Rule 18A5.5 for the General Industrial Zone be changed to 7 metres for the high plateau of land between Gordon Road and Frederick Street in Wanaka.	Accept	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3161	Alpine Estates Ltd	That the operative Industrial A and Industrial B land on both sides of Frederick Street, Wanaka, and north of Frederick Street, including the site legally described as Lot 2 DP 477622 be re-zoned Business Mixed Use Zone, or split the site legally described as Lot 2 DP 477622 into Lower Density Suburban Residential and Business Mixed Use with the separating boundary generally being the future road connection between Connell Terrace and Gordon Road.	Reject	5.1
3161	Alpine Estates Ltd	That the notified General Industrial Zone over land south of the row of subdivided lots on the southern side of Frederick Street, Wanaka (Lot 99 DP 445766 & Lot 3 DP 374697) be retained as notified.	Accept	5.1
3161	Alpine Estates Ltd	That the notified General Industrial Zone south of the former oxidation ponds (135 Ballantyne Road, Wanaka) is retained as notified.	Accept in part	5.6
3161	Alpine Estates Ltd	That areas with existing development within the notified General Industrial Zone have a more enabling framework with less prohibited activities.	Accept in Part	4.2
3161	Alpine Estates Ltd	That the General Industrial Zone be split into A and B zones to reflect the different nature of the developed industrial area/lots south of Frederick Street, Wanaka, compared to the possible greenfield industrial areas on the former oxidation ponds site and south of the former oxidation ponds site.	Reject	4.2, 5.1
3165	Orchard Road Holdings Limited	That 'Trade Suppliers' is deleted from Policy 18A.2.2.1 and any other consequential change to provisions.	Accept in Part	4.2
3165	Orchard Road Holdings Limited	That the activity status for buildings in the General Industrial Zone (Rule 18A.4.5 ) be changed to controlled.	Reject	4.2
3165	Orchard Road Holdings Limited	That the activity status for 'Large Format Retail' (Rule 18A.4.12) in the General Industrial Zone be changed to 'non-complying', with any consequential amendments.	Reject	4.2
3165	Orchard Road Holdings Limited	That the activity status for 'Trade Suppliers' (Rule 18A.4.12) in the General Industrial Zone be changed to 'permitted', with any consequential amendments.	Accept in Part	4.2
3165	Orchard Road Holdings Limited	That the activity status of Office, Retail and Commercial Activities in the General Industrial Zone (Rule 18A.4.14) be changed to 'non-complying', with any consequential amendments.	Accept in part	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3165	Orchard Road Holdings Limited	That ancillary office, retail and commercial activities in the General Industrial Zone (Rule 18A.4.2) be a permitted activity up to 100m <sup>2</sup> .	Accept in Part	4.2
3165	Orchard Road Holdings Limited	That ancillary office, retail and commercial activities in the General Industrial Zone be a permitted activity up to 100m <sup>2</sup> (Rule 18A.5.1).	Accept in Part	4.2
166	Arrow Irrigation Co Ltd	That the General Industrial Zone at 31 Bush Creek Road, Arrowtown (Lot 1 DP 22733) be retained as notified.	Accept	5.3
3201	Willowridge Developments Limited	That the General Industrial Zone be extended to include the entirety of the property at 135 Ballantyne Road (Lot 3 DP 17123).	Accept	5.6
3201	Willowridge Developments Limited	That reference to 'Trade Suppliers' be deleted from Policy 18A.2.2.1 and any consequential changes be made.	Accept in Part	4.2
3201	Willowridge Developments Limited	That the activity status for buildings in Rule 18A.4.5 be changed from Restricted Discretionary to Controlled.	Reject	4.2
3201	Willowridge Developments Limited	That the activity status for Large Format Retail activities in Rule 18A.4.12 be changed from Prohibited to Non-Complying and any consequential changes.	Reject	4.2
3201	Willowridge Developments Limited	That the activity status for 'Trade Suppliers' in Rule 18A.4.12 be changed from Prohibited to Permitted, and any consequential amendments be made.	Accept in Part	4.2
3201	Willowridge Developments Limited	That the activity status for 'Office, Retail and Commercial Activities' in Rule 18A.4.14 be changed from Prohibited to Non-Complying, and any consequential amendments made.	Accept in part	4.2
3201	Willowridge Developments Limited	That Rule 18A.5.1 be amended so that ancillary office, retail and commercial activities up to 100m <sup>2</sup> are provided for as a permitted activity.	Accept in Part	4.2
3201	Willowridge Developments Limited	That the notified General Industrial Zone over part of the property at 135 Ballantyne Road, Wanaka (Lot 3 DP 17123) be retained as notified.	Accept	5.6
3224	Zella Downing	That the General Industrial proposal be Reject.	Accept in Part	5.1
3229	NZ Transport Agency	That Objective 18A.2.2 be retained as notified.	Accept	4.2
3229	NZ Transport Agency	That Policy 18A.2.2.1 be retained as notified.	Accept in Part	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3229	NZ Transport Agency	That Policy 18A.2.2.3 be retained as notified.	Accept	4.2
3229	NZ Transport Agency	That Policy 18A.2.2.5 be retained as notified.	Accept	4.2
3229	NZ Transport Agency	That Policy 27.3.13.4 be retained as notified.	Accept	4.2
3229	NZ Transport Agency	That Policy 27.3.13.5 be retained as notified.	Accept	4.2
3229	NZ Transport Agency	That Rule 27.5.7b be retained as notified.	Accept	4.2
3229	NZ Transport Agency	That Rule 27.5.7c be amended to read 'Property access, roading and the safety of the transportation network'.	Reject	4.2
3234	The Breen Construction Company Ltd	That the provisions restricting Office and Commercial Activities in the General Industrial Zone in Wanaka be Reject.	Accept in part	4.2
3234	The Breen Construction Company Ltd	That some flexibility in the General Industrial Provisions should be applied.	Accept in Part	4.2
3234	The Breen Construction Company Ltd	That the restrictions on Residential and Visitor Accommodation activities are retained as notified.	Accept	4.2
3234	The Breen Construction Company Ltd	That the General Industrial Zone provisions be amended to allow for Office and Commercial Activities that are not ancillary to Industrial or Service Activities, or that Office and Commercial Activities be provided for in a certain area of the General Industrial Zone.	Accept in part	4.2
3234	The Breen Construction Company Ltd	That any other additional or consequential relief to the Proposed District Plan be provided to give effect to the relief sought in the submission.	Consequential	Consequential

o.	Submitter	Submission	Recommendation	Section where Addressed
3234	The Breen Construction Company Ltd	That the Purpose of the General Industrial be amended to read as follows: The purpose of the General Industrial Zone is to provide for the establishment, operation and long term viability of Industrial and Service, Office, Retail and Commercial activities. The Zone recognises the significant role these activities play in supporting the District's economic and social wellbeing by prioritising their requirements, and zoning land to ensure sufficient development capacity. The Zone seeks to ensure a range of site sizes are available, including for Industrial, Service, Office, Retail and Commercial activities which require a range of buildings and site sizes for a range of activities. The role that ancillary Office, Retail and Commercial activities play in supporting Industrial and Service activities is recognised and provided for. While the Zone seeks to provide for land uses which may be associated with noise, glare, dust, odour, shading, visual and traffic effects and other similar effects, it also seeks to manage activities and development to ensure that appropriate levels of amenity are achieved for people who work within and visit the Zone, and to avoid adverse amenity effects on land located outside of the Zone.	Accept in part	4.1
3234	The Breen Construction Company Ltd	That Objective 18A.2.1 is amended to read as follows: Industrial, Service, Non-ancillary Office, Retail and Commercial activities of varying sizes are enabled within the Zone and their long-term operation and viability is supported.	Reject	4.2
3234	The Breen Construction Company Ltd	That 18A.2.1.1 is amended to read as follows: Enable a diverse range of Industrial, Service, Office, Retail and Commercial activities that provide benefit in the form economic growth and skilled employment opportunities.	Reject	4.2
3234	The Breen Construction Company Ltd	That 18A.2.1.5 is amended to read as follows: Manage subdivision and development within the Zone to ensure that sites are well suited to serving the needs of a diverse range of Industrial, Service, Office, Retail and Commercial activities now and into the future.	Reject	4.2
3234	The Breen Construction Company Ltd	That 18A.2.2 is amended to read as follows: The establishment, operation and growth of Industrial, Service, Office, Retail and Commercial activities within the Zone is not undermined by incompatible land uses.	Reject	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3234	The Breen Construction Company Ltd	That 18A.2.2.1 is amended to read as follows: Avoid the following activities that are not compatible with the primary function of the Zone and have the ability to displace or constrain the establishment, operation and long term viability of Industrial, Service, Office, Commercial and Retail activities: c. Large Format Retail d. Residential Activity, Residential Units and Residential Flats, and e. Visitor accommodation, Residential Visitor accommodation and Homestay activities.	Accept in part	4.2
3234	The Breen Construction Company Ltd	That 18A.2.2.2 is Reject in its entirety.	Reject	4.2
3234	The Breen Construction Company Ltd	That 18A.2.2.3 is Reject in its entirety.	Reject	4.2
3234	The Breen Construction Company Ltd	That 18A.2.2.4 is Reject in its entirety.	Reject	4.2
3234	The Breen Construction Company Ltd	That 18A.2.2.5 is amended to read as follows: Manage the location of food and beverage related commercial activities within the Zone to ensure they serve the needs of workers and visitors to the Zone.	Reject	4.2
3234	The Breen Construction Company Ltd	That 18A.2.3.2 is amended to read as follows: Encourage Office, Retail and Commercial activities to actively engage with the street frontage and public places.	Reject	4.2
3234	The Breen Construction Company Ltd	That 18A.2.3.3 is amended to read as follows: Control the bulk, location, design, landscaping, screening and overall appearance of sites and buildings, incorporating where relevant, the seven principles of Crime Prevention through Environmental Design (CPTED) to ensure they contribute to a quality, healthy and safe built environment while meeting the functional needs of Industrial, Service, Office, Retail and Commercial activities.	Reject	4.2
3234	The Breen Construction Company Ltd	That 18A.4.2 is amended to read as follows: Office, Retail and Commercial activities.	Reject	4.2
3234	The Breen Construction Company Ltd	That 18A.4.12 be amended to provide for Trade Suppliers and Large Format Retail as a discretionary activity.	Accept in Part	4.2
3234	The Breen Construction Company Ltd	That 18A.4.14 be Reject in its entirety.	Accept in part	4.2
3234	The Breen Construction Company Ltd	That 18A.5.1 be Reject in its entirety.	Reject	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3234	The Breen Construction Company Ltd	That the non compliance status for 18A.5.2 be changed to a Discretionary Activity and the text amended to read as follows: 18A.5.2 Commercial sale of food and beverages including restaurants, takeaway food bars and Licensed Premises (excluding sale of liquor) Non compliance status: Discretionary Any outdoor area used for the activity shall be directly accessible from and adjoin the building containing the activity; Any Licenses Premises shall be ancillary to an industrial or Commercial activity; and Any part of a building used as a public entry, or as outdoor seating or display, for the activity shall be landscaped to distinguish its function from other activities operating on the site.	Reject	4.2
3234	The Breen Construction Company Ltd	That 18A.5.3 a. ii. is amended to provide for a 3m minimum setback from all other road and state highway boundaries.	Accept in Part	4.2
3234	The Breen Construction Company Ltd	That 18A.5.5 is amended to provide for a maximum building height of 12m.	Reject	4.2
3234	The Breen Construction Company Ltd	That 27.3.13 is amended to read as follows: Objective - Subdivision within the General Industrial Zone enables the establishment, operation and long term viability of Industrial, Service, Office, Retail and Commercial activities including those Industrial and Service activities which require larger buildings and more space for the purpose of manoeuvring, loading and vehicle parking.	Reject	4.3
3234	The Breen Construction Company Ltd	That 27.3.13.1 is amended to read as follows: Enable subdivision and development within the General Industrial Zone that provides for the establishment, operation and long term viability of Industrial, Service, Office, Retail and Commercial activities by ensuring any new lots created are capable of accommodating activities and development that is anticipated by the Zone standards.	Reject	4.3
3234	The Breen Construction Company Ltd	That 27.3.13.2 is amended to read as follows: Recognise and provide for subdivision activities which create smaller lot sizes than anticipated within the General Industrial Zone where there is a demonstrated need for Industrial, Service, Office, Retail and Commercial activities on lots of that size and where it can be shown that the lots could viably provide for their long term functional needs.	Reject	4.3



o.	Submitter	Submission	Recommendation	Section where Addressed
3234	The Breen Construction Company Ltd	That 27.3.13.6 is amended to read as follows: Avoid subdivision that creates lots of a size and layout that limit the intended function of the General Industrial Zone to provide for the long term establishment, operation and long term viability of Industrial, Service, Office, Retail and Commercial activities.	Reject	4.3
3234	The Breen Construction Company Ltd	That the proposed variation to 27.6.1 is amended as follows: General Industrial: Minimum Lot Area = 1000m <sup>2</sup> Except: Subdivision of lots less than 1000m <sup>2</sup> shall be a restricted discretionary activity.	Reject	4.3
3234	The Breen Construction Company Ltd	That Table 36.5.15 is amended to include the following restricted discretionary activity: Offices within the General Industrial Zone shall be acoustically protected to achieve internal acoustic standards as follows: 0700h to 2200h – 55 Db Aeq(15 min) 2200h to 0700h – 45 Db Aeq(15 min), 70 Db AFmax RD - Discretion is restricted to the extent of effects of noise generated on adjoining zones.	Reject	4.3
3234	The Breen Construction Company Ltd	That 27.3.13.8 is Reject in its entirety.	Reject	4.3
3234	The Breen Construction Company Ltd	That 27.7.11 is Reject in its entirety.	Reject	4.3
3234	The Breen Construction Company Ltd	That 27.7.11.2 is Reject in its entirety.	Reject	4.3
3235	J C Breen Family Trust	That the restrictions on non-ancillary Office and Commercial use are not appropriate in the General Industrial Zone.	Accept in part	4.2
3235	J C Breen Family Trust	That some flexibility in the General Industrial Provisions should be applied.	Accept in Part	4.2
3235	J C Breen Family Trust	That the restrictions on Residential and Visitor Accommodation activities are retained as notified.	Accept	4.2
3235	J C Breen Family Trust	That the General Industrial Zone provisions be amended to allow for Office and Commercial Activities that are not ancillary to Industrial or Service Activities, or that Office and Commercial Activities be provided for in a certain area of the General Industrial Zone.	Accept in part	4.2
3235	J C Breen Family Trust	That any other additional or consequential relief to the Proposed District Plan be provided to give effect to the relief sought in the submission.	Consequential	Consequential

o.	Submitter	Submission	Recommendation	Section where Addressed
3235	J C Breen Family Trust	That the Purpose of the General Industrial be amended to read as follows: The purpose of the General Industrial Zone is to provide for the establishment, operation and long term viability of Industrial and Service, Office, Retail and Commercial activities. The Zone recognises the significant role these activities play in supporting the District's economic and social wellbeing by prioritising their requirements, and zoning land to ensure sufficient development capacity. The Zone seeks to ensure a range of site sizes are available, including for Industrial, Service, Office, Retail and Commercial activities which require a range of buildings and site sizes for a range of activities. The role that ancillary Office, Retail and Commercial activities play in supporting Industrial and Service activities is recognised and provided for. While the Zone seeks to provide for land uses which may be associated with noise, glare, dust, odour, shading, visual and traffic effects and other similar effects, it also seeks to manage activities and development to ensure that appropriate levels of amenity are achieved for people who work within and visit the Zone, and to avoid adverse amenity effects on land located outside of the Zone.	Accept in part	4.1
3235	J C Breen Family Trust	That Objective 18A.2.1 is amended to read as follows: Industrial, Service, Non-ancillary Office, Retail and Commercial activities of varying sizes are enabled within the Zone and their long-term operation and viability is supported.	Reject	4.2
3235	J C Breen Family Trust	That 18A.2.1.1 is amended to read as follows: Enable a diverse range of Industrial, Service, Office, Retail and Commercial activities that provide benefit in the form economic growth and skilled employment opportunities.	Reject	4.2
3235	J C Breen Family Trust	That 18A.2.1.5 is amended to read as follows: Manage subdivision and development within the Zone to ensure that sites are well suited to serving the needs of a diverse range of Industrial, Service, Office, Retail and Commercial activities now and into the future.	Reject	4.2
3235	J C Breen Family Trust	That 18A.2.2 is amended to read as follows: The establishment, operation and growth of Industrial, Service, Office, Commercial and Retail activities within the Zone is not undermined by incompatible land uses.	Reject	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3235	J C Breen Family Trust	That 18A.2.2.1 is amended to read as follows: Avoid the following activities that are not compatible with the primary function of the Zone and have the ability to displace or constrain the establishment, operation and long term viability of Industrial, Service, Office, Commercial and Retail activities: c. Large Format Retail d. Residential Activity, Residential Units and Residential Flats, and e. Visitor accommodation, Residential Visitor accommodation and Homestay activities.	Accept in part	4.2
3235	J C Breen Family Trust	That 18A.2.2.2 is Reject in its entirety.	Reject	4.2
3235	J C Breen Family Trust	That 18A.2.2.3 is Reject in its entirety.	Reject	4.2
3235	J C Breen Family Trust	That 18A.2.2.4 is Reject in its entirety.	Reject	4.2
3235	J C Breen Family Trust	That 18A.2.2.5 is amended to read as follows: Manage the location of food and beverage related commercial activities within the Zone to ensure they serve the needs of workers and visitors to the Zone.	Reject	4.2
3235	J C Breen Family Trust	That 18A.2.3.2 is amended to read as follows: Encourage Office, Retail and Commercial activities to actively engage with the street frontage and public places.	Reject	4.2
3235	J C Breen Family Trust	That 18A.2.3.3 is amended to read as follows: Control the bulk, location, design, landscaping, screening and overall appearance of sites and buildings, incorporating where relevant, the seven principles of Crime Prevention through Environmental Design (CPTED) to ensure they contribute to a quality, healthy and safe built environment while meeting the functional needs of Industrial, Service, Office, Retail and Commercial activities.	Reject	4.2
3235	J C Breen Family Trust	That 18A.4.2 is amended to read as follows: Office, Retail and Commercial activities.	Reject	4.2
3235	J C Breen Family Trust	That 18A.4.12 be amended to provide for Trade Suppliers and Large Format Retail as a discretionary activity.	Accept in Part	4.2
3235	J C Breen Family Trust	That 18A.4.14 be Reject in its entirety.	Accept in part	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3235	J C Breen Family Trust	That 18A.5.1 be Reject in its entirety.	Reject	4.2
3235	J C Breen Family Trust	That the non compliance status for 18A.5.2 be changed to a Discretionary Activity and the text amended to read as follows: 18A.5.2 Commercial sale of food and beverages including restaurants, takeaway food bars and Licensed Premises (excluding sale of liquor) Non compliance status: Discretionary Any outdoor area used for the activity shall be directly accessible from and adjoin the building containing the activity; Any Licenses Premises shall be ancillary to an industrial or Commercial activity; and Any part of a building used as a public entry, or as outdoor seating or display, for the activity shall be landscaped to distinguish its function from other activities operating on the site.	Reject	4.2
3235	J C Breen Family Trust	That 18A.5.3 a. ii. is amended to provide for a 3m minimum setback from all other road and state highway boundaries.	Accept in Part	4.2
3235	J C Breen Family Trust	That 18A.5.5 is amended to provide for a maximum building height of 12m.	Reject	4.2
3235	J C Breen Family Trust	That 27.3.13 is amended to read as follows: Objective - Subdivision within the General Industrial Zone enables the establishment, operation and long term viability of Industrial, Service, Office, Retail and Commercial activities including those Industrial and Service activities which require larger buildings and more space for the purpose of maneuvering, loading and vehicle parking.	Reject	4.3
3235	J C Breen Family Trust	That 27.3.13.1 is amended to read as follows: Enable subdivision and development within the General Industrial Zone that provides for the establishment, operation and long term viability of Industrial, Service, Office, Retail and Commercial activities by ensuring any new lots created are capable of accommodating activities and development that is anticipated by the Zone standards.	Reject	4.3
3235	J C Breen Family Trust	That 27.3.13.2 is amended to read as follows: Recognise and provide for subdivision activities which create smaller lot sizes than anticipated within the General Industrial Zone where there is a demonstrated need for Industrial, Service, Office, Retail and Commercial activities on lots of that size and where it can be shown that the lots could viably provide for their long term functional needs.	Reject	4.3

o.	Submitter	Submission	Recommendation	Section where Addressed
3235	J C Breen Family Trust	That 27.3.13.6 is amended to read as follows: Avoid subdivision that creates lots of a size and layout that limit the intended function of the General Industrial Zone to provide for the long term establishment, operation and long term viability of Industrial, Service, Office, Commercial and Retail activities.	Reject	4.3
3235	J C Breen Family Trust	That the proposed variation to 27.6.1 is amended as follows: General Industrial: Minimum Lot Area = 1000m <sup>2</sup> Except: Subdivision of lots less than 1000m <sup>2</sup> shall be a restricted discretionary activity.	Reject	4.3
3235	J C Breen Family Trust	That Table 36.5.15 is amended to include the following restricted discretionary activity: Offices within the General Industrial Zone shall be acoustically protected to achieve internal acoustic standards as follows: 0700h to 2200h – 55 Db Aeq(15 min) 2200h to 0700h – 45 Db Aeq(15 min), 70 Db AFmax RD - Discretion is restricted to the extent of effects of noise generated on adjoining zones.	Reject	4.3
3235	J C Breen Family Trust	That 27.3.13.8 is Reject in its entirety.	Reject	4.3
3235	J C Breen Family Trust	That 27.7.11 is Reject in its entirety.	Reject	4.3
3235	J C Breen Family Trust	That 27.7.11.2 is Reject in its entirety.	Reject	4.3
3256	Upper Clutha Transport Limited	That an 8 hectare property located between Church Road and the Clutha River, Luggate (Lot 1 DP 300025 and Lot 1 DP 475297) be re- zoned General Industrial, as shown on the map attached to the submission, with any consequential changes.	Accept in part	5.5
3256	Upper Clutha Transport Limited	That Policy 18A.2.2.1 is amended through the deletion of 'b) Trade Suppliers' and the addition to d. the words ' except for workers accommodation ancillary to Industrial or Service activities,' after 'residential flat', with any consequential changes.	Accept in Part	4.2, 5.5
3256	Upper Clutha Transport Limited	That Policy 18A.2.2.3 is amended to include workers accommodation, so that it reads ' Limit the scale, location and function of Office, Retail, Commercial and Workers Accommodation activities to ensure they are ancillary to Industrial or Service activities, with any consequential changes.	Reject	5.5

o.	Submitter	Submission	Recommendation	Section where Addressed
3256	Upper Clutha Transport Limited	That Policy 18A.2.2.4 is amended to provide for workers accommodation as follows - 'Ensure all Office, Retail, Commercial and Workers Accommodation activities are constructed and operated to mitigate adverse reverse sensitivity effects to Industrial and Service activities, with any consequential changes.	Reject	5.5
3256	Upper Clutha Transport Limited	That Policy 18A.2.3.2 is amended to read as follows ' Control the location of ancillary Office, Retail, Commercial and Workers accommodation activities and encourage them to actively engage with the street frontage and public places, with any consequential changes.	Reject	4.2, 5.5
3256	Upper Clutha Transport Limited	That Rule 18A.4.2 be amended to include Workers accommodation ancillary to Industrial or Service activities as a permitted activity.	Reject	5.5
3256	Upper Clutha Transport Limited	That a Rule be included to provide Trade Suppliers as a discretionary activity, with any consequential changes.	Accept	4.2
3256	Upper Clutha Transport Limited	That Rule 18A.4.12 be amended to refer only to Large Format retail and delete Trade Suppliers as a prohibited activity, with any consequential changes.	Accept in Part	4.2
3256	Upper Clutha Transport Limited	That Rule 18A.4.15 be amended to read ' Residential Activity, Residential Units and Residential Flats not otherwise identified', with any consequential changes.	Reject	4.2
3256	Upper Clutha Transport Limited	That Rule 18A.5.1 is amended to include Workers Accommodation as a permitted activity that the standards apply to, with any consequential changes.	Reject	4.2
3266	Alpine Nominees Ltd	That the provisions restricting Office and Commercial Activities in the General Industrial Zone in Wanaka be Reject.	Accept in part	4.2
3266	Alpine Nominees Ltd	That some flexibility in the General Industrial Provisions should be applied.	Accept in Part	4.2
3266	Alpine Nominees Ltd	That the restrictions on Residential and Visitor Accommodation activities are retained as notified.	Accept	4.2
3266	Alpine Nominees Ltd	That the General Industrial Zone provisions be amended to allow for Office and Commercial Activities that are not ancillary to Industrial or Service Activities, or that Office and Commercial Activities be provided for in a certain area of the General Industrial Zone.	Accept in part	4.1
3266	Alpine Nominees Ltd	That any other additional or consequential relief to the Proposed District Plan be provided to give effect to the relief sought in the submission.	Consequential	Consequential

o.	Submitter	Submission	Recommendation	Section where Addressed
3266	Alpine Nominees Ltd	That the Purpose of the General Industrial be amended to read as follows: The purpose of the General Industrial Zone is to provide for the establishment, operation and long term viability of Industrial and Service, Office, Retail and Commercial activities. The Zone recognises the significant role these activities play in supporting the District's economic and social wellbeing by prioritising their requirements, and zoning land to ensure sufficient development capacity. The Zone seeks to ensure a range of site sizes are available, including for Industrial, Service, Office, Retail and Commercial activities which require a range of buildings and site sizes for a range of activities. The role that ancillary Office, Retail and Commercial activities play in supporting Industrial and Service activities is recognised and provided for. While the Zone seeks to provide for land uses which may be associated with noise, glare, dust, odour, shading, visual and traffic effects and other similar effects, it also seeks to manage activities and development to ensure that appropriate levels of amenity are achieved for people who work within and visit the Zone, and to avoid adverse amenity effects on land located outside of the Zone.	Accept in part	4.1
3266	Alpine Nominees Ltd	That Objective 18A.2.1 is amended to read as follows: Industrial, Service, Non-ancillary Office, Retail and Commercial activities of varying sizes are enabled within the Zone and their long-term operation and viability is supported.	Reject	4.2
3266	Alpine Nominees Ltd	That 18A.2.1.1 is amended to read as follows: Enable a diverse range of Industrial, Service, Office, Retail and Commercial activities that provide benefit in the form economic growth and skilled employment opportunities.	Reject	4.2
3266	Alpine Nominees Ltd	That 18A.2.1.5 is amended to read as follows: Manage subdivision and development within the Zone to ensure that sites are well suited to serving the needs of a diverse range of Industrial, Service, Office, Retail and Commercial activities now and into the future.	Reject	4.2
3266	Alpine Nominees Ltd	That 18A.2.2 is amended to read as follows: The establishment, operation and growth of Industrial, Service, Office, Retail and Commercial activities within the Zone is not undermined by incompatible land uses.	Reject	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3266	Alpine Nominees Ltd	That 18A.2.2.1 is amended to read as follows: Avoid the following activities that are not compatible with the primary function of the Zone and have the ability to displace or constrain the establishment, operation and long term viability of Industrial, Service, Office, Retail and Commercial activities: c. Large Format Retail d. Residential Activity, Residential Units and Residential Flats, and e. Visitor accommodation, Residential Visitor accommodation and Homestay activities.	Accept in part	4.2
3266	Alpine Nominees Ltd	That 18A.2.2.2 is Reject in its entirety.	Reject	4.2
3266	Alpine Nominees Ltd	That 18A.2.2.3 is Reject in its entirety.	Reject	4.2
3266	Alpine Nominees Ltd	That 18A.2.2.4 is Reject in its entirety.	Reject	4.2
3266	Alpine Nominees Ltd	That 18A.2.2.5 is amended to read as follows: Manage the location of food and beverage related commercial activities within the Zone to ensure they serve the needs of workers and visitors to the Zone.	Reject	4.2
3266	Alpine Nominees Ltd	That 18A.2.3.2 is amended to read as follows: Encourage Office, Retail and Commercial activities to actively engage with the street frontage and public places.	Reject	4.2
3266	Alpine Nominees Ltd	That 18A.2.3.3 is amended to read as follows: Control the bulk, location, design, landscaping, screening and overall appearance of sites and buildings, incorporating where relevant, the seven principles of Crime Prevention through Environmental Design (CPTED) to ensure they contribute to a quality, healthy and safe built environment while meeting the functional needs of Industrial, Service, Office, Retail and Commercial activities.	Reject	4.2
3266	Alpine Nominees Ltd	That 18A.4.2 is amended to read as follows: Office, Retail and Commercial activities.	Reject	4.2
3266	Alpine Nominees Ltd	That 18A.4.12 be amended to provide for Trade Suppliers and Large Format Retail as a discretionary activity.	Accept in Part	4.2
3266	Alpine Nominees Ltd	That 18A.4.14 be Reject in its entirety.	Accept in part	4.2
3266	Alpine Nominees Ltd	That 18A.5.1 be Reject in its entirety.	Reject	4.2



o.	Submitter	Submission	Recommendation	Section where Addressed
3266	Alpine Nominees Ltd	That the non compliance status for 18A.5.2 be changed to a Discretionary Activity and the text amended to read as follows: 18A.5.2 Commercial sale of food and beverages including restaurants, takeaway food bars and Licensed Premises (excluding sale of liquor) Non compliance status: Discretionary Any outdoor area used for the activity shall be directly accessible from and adjoin the building containing the activity; Any Licenses Premises shall be ancillary to an industrial or Commercial activity; and Any part of a building used as a public entry, or as outdoor seating or display, for the activity shall be landscaped to distinguish its function from other activities operating on the site.	Reject	4.2
3266	Alpine Nominees Ltd	That 18A.5.3 a. ii. is amended to provide for a 3m minimum setback from all other road and state highway boundaries.	Accept in Part	4.2
3266	Alpine Nominees Ltd	That 18A.5.5 is amended to provide for a maximum building height of 12m.	Reject	4.2
3266	Alpine Nominees Ltd	That 27.3.13 is amended to read as follows: Objective - Subdivision within the General Industrial Zone enables the establishment, operation and long term viability of Industrial, Service, Office, Retail and Commercial activities including those Industrial and Service activities which require larger buildings and more space for the purpose of manoeuvring, loading and vehicle parking.	Reject	4.3
3266	Alpine Nominees Ltd	That 27.3.13.1 is amended to read as follows: Enable subdivision and development within the General Industrial Zone that provides for the establishment, operation and long term viability of Industrial, Service, Office, Retail and Commercial activities by ensuring any new lots created are capable of accommodating activities and development that is anticipated by the Zone standards.	Reject	4.3
3266	Alpine Nominees Ltd	That 27.3.13.2 is amended to read as follows: Recognise and provide for subdivision activities which create smaller lot sizes than anticipated within the General Industrial Zone where there is a demonstrated need for Industrial, Service, Office, Retail and Commercial activities on lots of that size and where it can be shown that the lots could viably provide for their long term functional needs.	Reject	4.3
3266	Alpine Nominees Ltd	That 27.3.13.6 is amended to read as follows: Avoid subdivision that creates lots of a size and layout that limit the intended function of the	Reject	4.3

o.	Submitter	Submission	Recommendation	Section where Addressed
		General Industrial Zone to provide for the long term establishment, operation and long term viability of Industrial, Service, Office, Retail and Commercial activities.		
3266	Alpine Nominees Ltd	That the proposed variation to 27.6.1 is amended as follows: General Industrial: Minimum Lot Area = 1000m <sup>2</sup> Except: Subdivision of lots less than 1000m <sup>2</sup> shall be a restricted discretionary activity.	Reject	4.3
3266	Alpine Nominees Ltd	That Table 36.5.15 is amended to include the following restricted discretionary activity: Offices within the General Industrial Zone shall be acoustically protected to achieve internal acoustic standards as follows: 0700h to 2200h – 55 Db Aeq(15 min) 2200h to 0700h – 45 Db Aeq(15 min), 70 Db AFmax RD - Discretion is restricted to the extent of effects of noise generated on adjoining zones.	Reject	4.3
3266	Alpine Nominees Ltd	That 27.3.13.8 is Reject in its entirety.	Reject	4.3
3266	Alpine Nominees Ltd	That 27.7.11 is Reject in its entirety.	Reject	4.3
3266	Alpine Nominees Ltd	That 27.7.11.2 is Reject in its entirety.	Reject	4.3
3269	Henley Property Trust	That all objectives, policies and rules of the General Industrial Zone that restrict the size of office space are Reject.	Reject	4.2
3269	Henley Property Trust	That all objectives, policies and rules of the General Industrial Zone that restrict the establishment and operation of Trade Suppliers are Reject.	Accept in Part	4.2
3269	Henley Property Trust	That all objectives, policies and rules of the General Industrial Zone that make Large Format Retail activities a prohibited activity are Reject.	Reject	4.2
3269	Henley Property Trust	That the 10m height limit specified under Rule 18A.5.5 is retained as notified.	Accept in part	4.2
3269	Henley Property Trust	That Policy 5.3.3 of the Partially Operative Regional Policy Statement be given effect to through the General Industrial Zone provisions.	Accept	4.2
3269	Henley Property Trust	That Objective 3.2.6 and Strategic Policies 3.3.8, 3.3.10 and 3.3.11 of the Queenstown Lakes District Council Proposed District Plan are given effect to through the General Industrial Zone provisions.	Accept	4.2
3269	Henley Property Trust	That 18A.2.2.1 a (office, retail and commercial activities); 18A.2.2.1 b (trade suppliers); and 18A.2.2.1 c (large format retail), as notified be Reject.	Accept in Part	4.2
3269	Henley Property Trust	That 18A.2.2.3 be amended to the following: " Office, Retail and Commercial activities shall be ancillary to Industrial or Service Activities."	Reject	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3269	Henley Property Trust	That Rule 18A.4.12 be amended to remove reference to Trade Suppliers and change the activity status from non-complying to discretionary, so that the rule reads as follows: "Large Format Retail - Discretionary."	Accept in Part	4.2
3269	Henley Property Trust	That Rule 18A.5.1 (a) be Reject.	Reject	4.2
3270	Upper Clutha Transport Limited	That the General Industrial Zone on the submitter's property at 78 Ballantyne Road (Lot 7 DP 19168) be retained as notified.	Accept	5.1
3270	Upper Clutha Transport Limited	That Policy 18A.2.2.1 be amended to delete the reference to Trade Suppliers.	Accept in Part	4.2
3270	Upper Clutha Transport Limited	That an additional rule be added to Table 18A.4 which provides for Trade Suppliers as a discretionary activity.	Accept	4.2
3270	Upper Clutha Transport Limited	That Rule 18A.4.12 be amended to remove reference to Trade Suppliers.	Accept	4.2
3270	Upper Clutha Transport Limited	That other such further, consequential or alternative relief be provided to give effect to the submission.	Consequential	Consequential
3283	Nigel Perkins	That the proposed General Industrial Zoning on the western side of Ballantyne Road and north of Frederick Street be rezoned Business Mixed Use.	Reject	5.1
3286	86 Ballantyne Road Partnership	That the restrictions on non-ancillary Office and Commercial use are not appropriate in the General Industrial Zone around Ballantyne Road.	Accept in part	4.2
3286	86 Ballantyne Road Partnership	That some flexibility in the General Industrial Provisions should be applied.	Accept in Part	4.2
3286	86 Ballantyne Road Partnership	That the restrictions on Residential and Visitor Accommodation activities are retained as notified.	Accept	4.2
3286	86 Ballantyne Road Partnership	That the General Industrial Zone provisions be amended to allow for Office and Commercial Activities that are not ancillary to Industrial or Service Activities, or that Office and Commercial Activities be provided for in the Ballantyne Road corridor of the General Industrial Zone.	Accept in part	4.2
3286	86 Ballantyne Road Partnership	That any other additional or consequential relief to the Proposed District Plan be provided to give effect to the relief sought in the submission.	Consequential	Consequential

o.	Submitter	Submission	Recommendation	Section where Addressed
3286	86 Ballantyne Road Partnership	That the Purpose of the General Industrial be amended to read as follows: The purpose of the General Industrial Zone is to provide for the establishment, operation and long term viability of Industrial and Service, Office, Retail and Commercial activities. The Zone recognises the significant role these activities play in supporting the District's economic and social wellbeing by prioritising their requirements, and zoning land to ensure sufficient development capacity. The Zone seeks to ensure a range of site sizes are available, including for Industrial, Service, Office, Retail and Commercial activities which require a range of buildings and site sizes for a range of activities. The role that ancillary Office, Retail and Commercial activities play in supporting Industrial and Service activities is recognised and provided for. While the Zone seeks to provide for land uses which may be associated with noise, glare, dust, odour, shading, visual and traffic effects and other similar effects, it also seeks to manage activities and development to ensure that appropriate levels of amenity are achieved for people who work within and visit the Zone, and to avoid adverse amenity effects on land located outside of the Zone.	Accept in part	4.1
3286	86 Ballantyne Road Partnership	That Objective 18A.2.1 is amended to read as follows: Industrial, Service, Non-ancillary Office, Retail and Commercial activities of varying sizes are enabled within the Zone and their long-term operation and viability is supported.	Reject	4.2
3286	86 Ballantyne Road Partnership	That 18A.2.1.1 is amended to read as follows: Enable a diverse range of Industrial, Service, Office, Retail and Commercial activities that provide benefit in the form economic growth and skilled employment opportunities.	Reject	4.2
3286	86 Ballantyne Road Partnership	That 18A.2.1.5 is amended to read as follows: Manage subdivision and development within the Zone to ensure that sites are well suited to serving the needs of a diverse range of Industrial, Service, Office, Retail and Commercial activities now and into the future.	Reject	4.2
3286	86 Ballantyne Road Partnership	That 18A.2.2 is amended to read as follows: The establishment, operation and growth of Industrial, Service, Office, Retail and Commercial activities within the Zone is not undermined by incompatible land uses.	Reject	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3286	86 Ballantyne Road Partnership	That 18A.2.2.1 is amended to read as follows: Avoid the following activities that are not compatible with the primary function of the Zone and have the ability to displace or constrain the establishment, operation and long term viability of Industrial, Service, Office, Retail and Commercial activities: c. Large Format Retail, d. Residential Activity, Residential Units and Residential Flats, and e. Visitor accommodation, Residential Visitor accommodation and Homestay activities.	Accept in part	4.2
3286	86 Ballantyne Road Partnership	That 18A.2.2.2 is Reject in its entirety.	Reject	4.2
3286	86 Ballantyne Road Partnership	That 18A.2.2.3 is Reject in its entirety.	Reject	4.2
3286	86 Ballantyne Road Partnership	That 18A.2.2.4 is Reject in its entirety.	Reject	4.2
3286	86 Ballantyne Road Partnership	That 18A.2.2.5 is amended to read as follows: Manage the location of food and beverage related commercial activities within the Zone to ensure they serve the needs of workers and visitors to the Zone.	Reject	4.2
3286	86 Ballantyne Road Partnership	That 18A.2.3.2 is amended to read as follows: Encourage Office, Retail and Commercial activities to actively engage with the street frontage and public places.	Reject	4.2
3286	86 Ballantyne Road Partnership	That 18A.2.3.3 is amended to read as follows: Control the bulk, location, design, landscaping, screening and overall appearance of sites and buildings, incorporating where relevant, the seven principles of Crime Prevention through Environmental Design (CPTED) to ensure they contribute to a quality, healthy and safe built environment while meeting the functional needs of Industrial, Service, Office, Retail and Commercial activities.	Reject	4.2
3286	86 Ballantyne Road Partnership	That 18A.4.2 is amended to read as follows: Office, Retail and Commercial activities.	Reject	4.2
3286	86 Ballantyne Road Partnership	That 18A.4.12 be amended to provide for Trade Suppliers and Large Format Retail as a discretionary activity.	Accept in Part	4.2
3286	86 Ballantyne Road Partnership	That 18A.4.14 be Reject in its entirety.	Accept in part	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3286	86 Ballantyne Road Partnership	That 18A.5.1 be Reject in its entirety.	Reject	4.2
3286	86 Ballantyne Road Partnership	That the non compliance status for 18A.5.2 be changed to a Discretionary Activity and the text amended to read as follows: 18A.5.2 Commercial sale of food and beverages including restaurants, takeaway food bars and Licensed Premises (excluding sale of liquor) Non compliance status: Discretionary. Any outdoor area used for the activity shall be directly accessible from and adjoin the building containing the activity; Any Licenses Premises shall be ancillary to an industrial or Commercial activity; and Any part of a building used as a public entry, or as outdoor seating or display, for the activity shall be landscaped to distinguish its function from other activities operating on the site.	Reject	4.2
3286	86 Ballantyne Road Partnership	That 18A.5.3 a. ii. is amended to provide for a 3m minimum setback from all other road and state highway boundaries.	Accept in Part	4.2
3286	86 Ballantyne Road Partnership	That 18A.5.5 is amended to provide for a maximum building height of 12m.	Reject	4.2
3286	86 Ballantyne Road Partnership	That 27.3.13 is amended to read as follows: Objective - Subdivision within the General Industrial Zone enables the establishment, operation and long term viability of Industrial, Service, Office, Retail and Commercial activities including those Industrial and Service activities which require larger buildings and more space for the purpose of manoeuvring, loading and vehicle parking.	Reject	4.3
3286	86 Ballantyne Road Partnership	That 27.3.13.1 is amended to read as follows: Enable subdivision and development within the General Industrial Zone that provides for the establishment, operation and long term viability of Industrial, Service, Office, Retail and Commercial activities by ensuring any new lots created are capable of accommodating activities and development that is anticipated by the Zone standards.	Reject	4.3
3286	86 Ballantyne Road Partnership	That 27.3.13.2 is amended to read as follows: Recognise and provide for subdivision activities which create smaller lot sizes than anticipated within the General Industrial Zone where there is a demonstrated need for Industrial, Service, Office, Retail and Commercial activities on lots of that size and where it can be shown that the lots could viably provide for their long term functional needs.	Reject	4.3

o.	Submitter	Submission	Recommendation	Section where Addressed
3286	86 Ballantyne Road Partnership	That 27.3.13.6 is amended to read as follows: Avoid subdivision that creates lots of a size and layout that limit the intended function of the General Industrial Zone to provide for the long term establishment, operation and long term viability of Industrial, Service, Office, Retail and Commercial activities.	Reject	4.3
3286	86 Ballantyne Road Partnership	That the proposed variation to 27.6.1 is amended as follows: General Industrial: Minimum Lot Area = 1000m <sup>2</sup> Except: Subdivision of lots less than 1000m <sup>2</sup> shall be a restricted discretionary activity.	Reject	4.3
3286	86 Ballantyne Road Partnership	That Table 36.5.15 is amended to include the following restricted discretionary activity: Offices within the General Industrial Zone shall be acoustically protected to achieve internal acoustic standards as follows: 0700h to 2200h – 55 Db Aeq(15 min) 2200h to 0700h – 45 Db Aeq(15 min), 70 Db AFmax RD - Discretion is restricted to the extent of effects of noise generated on adjoining zones.	Reject	4.3
3286	86 Ballantyne Road Partnership	That 27.3.13.8 is Reject in its entirety.	Reject	4.3
3286	86 Ballantyne Road Partnership	That 27.7.11 is Reject in its entirety.	Reject	4.3
3286	86 Ballantyne Road Partnership	That 27.7.11.2 is Reject in its entirety.	Reject	4.3
3288	Fire and Emergency New Zealand	That Rule 18A.4.5 be amended as follows: Buildings Activity Status = Controlled Activity Control is reserved to... .	Reject	4.2
3288	Fire and Emergency New Zealand	That a new rule be added as follows: 18A.4.X Emergency service facilities: Activity Status = Controlled Activity Control is reserved to: a. Vehicle manoeuvring, 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; and e. Landscaping.	Reject	4.2
3288	Fire and Emergency New Zealand	That Rule 18A.5.5 be retained as notified.	Accept in part	4.2
3288	Fire and Emergency New Zealand	That Rule 18A.5.6 be retained as notified.	Accept in part	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3288	Fire and Emergency New Zealand	That 18A.6.1 be amended as follows: The following controlled and restricted discretionary activities shall not require the written approval of other persons and shall not be notified or limited notified (...).	Reject	4.2
3298	NPR Trading Limited	That the provisions restricting Office, Commercial, Food and Beverage and Retail Activities in the General Industrial Zone around Gordon Road, Wanaka be Reject.	Accept in part	4.2
3298	NPR Trading Limited	That some flexibility in the General Industrial Provisions should be applied.	Accept in Part	4.2
3298	NPR Trading Limited	That the restrictions on Residential and Visitor Accommodation activities are retained as notified.	Accept	4.2
3298	NPR Trading Limited	That the General Industrial Zone provisions be amended to allow for Office, Commercial, Food and Beverage and Retail Activities that are not ancillary to Industrial or Service Activities or that Office, Commercial, Food and Beverage and Retail Activities be provided along Gordon Road.	Accept in part	4.2
3298	NPR Trading Limited	That if submission point 3298.4 is Reject; that alternatively rezone Gordon Road to a bespoke Business Mixed Use zone that deters residential and visitor accommodation activities.	Reject	5.1
3298	NPR Trading Limited	That any other additional or consequential relief to the Proposed District Plan be provided to give effect to the relief sought in submission 3298.	Consequential	Consequential
3298	NPR Trading Limited	<p>That the Purpose of the General Industrial be amended to read as follows: The purpose of the General Industrial Zone is to provide for the establishment, operation and long term viability of Industrial and Service, Office, Commercial, Food and Beverage and Retail activities.</p> <p>The Zone recognises the significant role these activities play in supporting the District's economic and social wellbeing by prioritising their requirements, and zoning land to ensure sufficient development capacity. The Zone seeks to ensure a range of site sizes are available, including for Industrial, Service, Office, Commercial, Food and Beverage and Retail activities which require a range of buildings and site sizes for a range of activities. The role that ancillary Office, Retail and Commercial activities play in supporting Industrial and Service activities is recognised and provided for. While the Zone seeks to provide for land uses which may be associated with noise, glare, dust, odour, shading, visual and traffic effects and other similar effects, it also seeks to manage activities and development to ensure that appropriate levels of</p>	Accept in part	4.1



o.	Submitter	Submission	Recommendation	Section where Addressed
		amenity are achieved for people who work within and visit the Zone, and to avoid adverse amenity effects on land located outside of the Zone.		
3298	NPR Trading Limited	That Objective 18A.2.1 is amended to read as follows: Industrial, Service, Non-ancillary Service, Office, Commercial, Food and Beverage and Retail activities of varying sizes are enabled within the Zone and their long-term operation and viability is supported.	Reject	4.2
3298	NPR Trading Limited	That 18A.2.1.1 is amended to read as follows: Enable a diverse range of Industrial, Service, Office, Commercial, Food and Beverage and Retail activities that provide benefit in the form economic growth and skilled employment opportunities.	Reject	4.2
3298	NPR Trading Limited	That 18A.2.1.5 is amended to read as follows: Manage subdivision and development within the Zone to ensure that sites are well suited to serving the needs of a diverse range of Industrial, Office, Commercial, Food and Beverage and Retail activities now and into the future.	Reject	4.2
3298	NPR Trading Limited	That 18A.2.2 is amended to read as follows: The establishment, operation and growth of Industrial, Office, Commercial, Food and Beverage and Retail activities within the Zone is not undermined by incompatible land uses.	Reject	4.2
3298	NPR Trading Limited	That 18A.2.2.1 is amended to read as follows: Avoid the following activities that are not compatible with the primary function of the Zone and have the ability to displace or constrain the establishment, operation and long term viability of Industrial, Office, Commercial, Food and Beverage and Retail activities: a. Residential Activity, Residential Units and Residential Flats, and b. Visitor accommodation, Residential Visitor accommodation and Homestay activities.	Accept in part	4.2
3298	NPR Trading Limited	That 18A.2.2.2 is Reject in its entirety.	Reject	4.2
3298	NPR Trading Limited	That 18A.2.2.3 is Reject in its entirety.	Reject	4.2
3298	NPR Trading Limited	That 18A.2.2.4 is Reject in its entirety.	Reject	4.2
3298	NPR Trading Limited	That 18A.2.2.5 is amended to read as follows: Manage the location of food and beverage related commercial activities within the Zone to ensure they serve the needs of workers and visitors to the Zone.	Reject	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3298	NPR Trading Limited	That 18A.2.3.2 is amended to read as follows: Encourage Office, Food and Beverage, Retail and Commercial activities to actively engage with the street frontage and public places.	Reject	4.2
3298	NPR Trading Limited	That 18A.2.3.3 is amended to read as follows: Control the bulk, location, design, landscaping, screening and overall appearance of sites and buildings, incorporating where relevant, the seven principles of Crime Prevention through Environmental Design (CPTED) to ensure they contribute to a quality, healthy and safe built environment while meeting the functional needs of Industrial, Service, Office, Retail, Food and Beverage and Commercial activities.	Reject	4.2
3298	NPR Trading Limited	That Rule 18A.4.2 is amended to read as follows: Office, Retail, Food and Beverage and Commercial activities.	Reject	4.2
3298	NPR Trading Limited	That Rule 18A.4.12 be amended to provide for Trade Suppliers and Large Format Retail as a discretionary activity.	Accept in Part	4.2
3298	NPR Trading Limited	That Rule 18A.4.14 be Reject in its entirety.	Accept in part	4.2
3298	NPR Trading Limited	That 18A.5.1 be Reject in its entirety.	Reject	4.2
3298	NPR Trading Limited	That the non compliance status for 18A.5.2 be changed to a Discretionary Activity and the text amended to read as follows: Rule 18A.5.2 Commercial sale of food and beverages including restaurants, takeaway food bars and Licensed Premises (excluding sale of liquor) Non compliance status: Discretionary Any outdoor area used for the activity shall be directly accessible from and adjoin the building containing the activity; Any Licenses Premises shall be ancillary to an industrial or Commercial activity; and Any part of a building used as a public entry, or as outdoor seating or display, for the activity shall be landscaped to distinguish its function from other activities operating on the site.	Reject	4.2
3298	NPR Trading Limited	That 18A.5.3 a. ii. is amended to provide for a 3m minimum setback from all other road and state highway boundaries.	Accept in Part	4.2
3298	NPR Trading Limited	That 18A.5.5 is amended to provide for a maximum building height of 12m.	Reject	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3298	NPR Trading Limited	That 27.3.13 is amended to read as follows: Objective - Subdivision within the General Industrial Zone enables the establishment, operation and long term viability of Industrial, Service, Office, Food and Beverage Retail and Commercial activities including those Industrial and Service activities which require larger buildings and more space for the purpose of maneuvering, loading and vehicle parking.	Reject	4.3
3298	NPR Trading Limited	That 27.3.13.1 is amended to read as follows: Enable subdivision and development within the General Industrial Zone that provides for the establishment, operation and long term viability of Industrial, Service, Office, Retail, Food and Beverage and Commercial activities by ensuring any new lots created are capable of accommodating activities and development that is anticipated by the Zone standards.	Reject	4.3
3298	NPR Trading Limited	That 27.3.13.2 is amended to read as follows: Recognise and provide for subdivision activities which create smaller lot sizes than anticipated within the General Industrial Zone where there is a demonstrated need for Industrial, Service, Office, Retail, Food and Beverage and Commercial activities on lots of that size and where it can be shown that the lots could viably provide for their long term functional needs.	Reject	4.3
3298	NPR Trading Limited	That 27.3.13.6 is amended to read as follows: Avoid subdivision that creates lots of a size and layout that limit the intended function of the General Industrial Zone to provide for the long term establishment, operation and long term viability of Industrial, Service, Office, Retail, Food and Beverage and Commercial activities.	Reject	4.3
3298	NPR Trading Limited	That the proposed variation to Rule 27.6 is amended as follows: General Industrial: Minimum Lot Area = 1000m <sup>2</sup> Except: Subdivision of lots less than 1000m <sup>2</sup> shall be a restricted discretionary activity.	Reject	4.3
3298	NPR Trading Limited	That Table 36.5.15 is amended to include the following restricted discretionary activity: Offices within the General Industrial Zone shall be acoustically protected to achieve internal acoustic standards as follows: 0700h to 2200h – 55 Db Aeq(15 min) 2200h to 0700h – 45 Db Aeq(15 min), 70 Db AFmax RD - Discretion is restricted to the extent of effects of noise generated on adjoining zones.	Reject	4.3
3300	Ben and Hamish Acland	That the provisions restricting Office and Commercial Activities in the General Industrial Zone in Wanaka be Reject.	Accept in part	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3300	Ben and Hamish Acland	That some flexibility in the General Industrial Provisions should be applied.	Accept in Part	4.2
3300	Ben and Hamish Acland	That the restrictions on Residential and Visitor Accommodation activities are retained as notified.	Accept	4.2
3300	Ben and Hamish Acland	That the General Industrial Zone provisions be amended to allow for Office and Commercial Activities that are not ancillary to Industrial or Service Activities, or that Office and Commercial Activities be provided for in a certain area of the General Industrial Zone.	Accept in part	4.2
3300	Ben and Hamish Acland	That any other additional or consequential relief to the Proposed District Plan be provided to give effect to the relief sought in the submission.	Consequential	Consequential
3300	Ben and Hamish Acland	That the Purpose of the General Industrial be amended to read as follows: The purpose of the General Industrial Zone is to provide for the establishment, operation and long term viability of Industrial and Service, Office, Retail and Commercial activities. The Zone recognises the significant role these activities play in supporting the District's economic and social wellbeing by prioritising their requirements, and zoning land to ensure sufficient development capacity. The Zone seeks to ensure a range of site sizes are available, including for Industrial, Service, Office, Retail and Commercial activities which require a range of buildings and site sizes for a range of activities. The role that ancillary Office, Retail and Commercial activities play in supporting Industrial and Service activities is recognised and provided for. While the Zone seeks to provide for land uses which may be associated with noise, glare, dust, odour, shading, visual and traffic effects and other similar effects, it also seeks to manage activities and development to ensure that appropriate levels of amenity are achieved for people who work within and visit the Zone, and to avoid adverse amenity effects on land located outside of the Zone.	Accept in part	4.1
3300	Ben and Hamish Acland	That Objective 18A.2.1 is amended to read as follows: Industrial, Service, Non-ancillary Office, Retail and Commercial activities of varying sizes are enabled within the Zone and their long-term operation and viability is supported.	Reject	4.2
3300	Ben and Hamish Acland	That 18A.2.1.1 is amended to read as follows: Enable a diverse range of Industrial, Service, Office, Retail and Commercial activities that provide benefit in the form economic growth and skilled employment opportunities.	Reject	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3300	Ben and Hamish Acland	That 18A.2.1.5 is amended to read as follows: Manage subdivision and development within the Zone to ensure that sites are well suited to serving the needs of a diverse range of Industrial, Service, Office, Retail and Commercial activities now and into the future.	Reject	4.2
3300	Ben and Hamish Acland	That 18A.2.2 is amended to read as follows: The establishment, operation and growth of Industrial, Service, Office, Retail and Commercial activities within the Zone is not undermined by incompatible land uses.	Reject	4.2
3300	Ben and Hamish Acland	That 18A.2.2.1 is amended to read as follows: Avoid the following activities that are not compatible with the primary function of the Zone and have the ability to displace or constrain the establishment, operation and long term viability of Industrial, Service, Office, Retail and Commercial activities: a. Residential Activity, Residential Units and Residential Flats, and b. Visitor accommodation, Residential Visitor accommodation and Homestay activities.	Accept in part	4.2
3300	Ben and Hamish Acland	That 18A.2.2.2 is Reject in its entirety.	Reject	4.2
3300	Ben and Hamish Acland	That 18A.2.2.3 is Reject in its entirety.	Reject	4.2
3300	Ben and Hamish Acland	That 18A.2.2.4 is Reject in its entirety.	Reject	4.2
3300	Ben and Hamish Acland	That 18A.2.2.5 is amended to read as follows: Manage the location of food and beverage related commercial activities within the Zone to ensure they serve the needs of workers and visitors to the Zone.	Reject	4.2
3300	Ben and Hamish Acland	That 18A.2.3.2 is amended to read as follows: Encourage Office, Retail and Commercial activities to actively engage with the street frontage and public places.	Reject	4.2
3300	Ben and Hamish Acland	That 18A.2.3.3 is amended to read as follows: Control the bulk, location, design, landscaping, screening and overall appearance of sites and buildings, incorporating where relevant, the seven principles of Crime Prevention through Environmental Design (CPTED) to ensure they contribute to a quality, healthy and safe built environment while meeting the functional needs of Industrial, Service, Office, Retail and Commercial activities.	Reject	4.2
3300	Ben and Hamish Acland	That 18A.4.2 is amended to read as follows: Office, Retail and Commercial activities.	Reject	4.2
3300	Ben and Hamish Acland	That 18A.4.12 be amended to provide for Trade Suppliers and Large Format Retail as a discretionary activity.	Accept in Part	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3300	Ben and Hamish Acland	That 18A.4.14 be Reject in its entirety.	Accept in part	4.2
3300	Ben and Hamish Acland	That 18A.5.1 be Reject in its entirety.	Reject	4.2
3300	Ben and Hamish Acland	That the non compliance status for 18A.5.2 be changed to a Discretionary Activity and the text amended to read as follows: 18A.5.2 Commercial sale of food and beverages including restaurants, takeaway food bars and Licensed Premises (excluding sale of liquor) Non compliance status: Discretionary Any outdoor area used for the activity shall be directly accessible from and adjoin the building containing the activity; Any Licenses Premises shall be ancillary to an industrial or Commercial activity; and Any part of a building used as a public entry, or as outdoor seating or display, for the activity shall be landscaped to distinguish its function from other activities operating on the site.	Reject	4.2
3300	Ben and Hamish Acland	That 18A.5.3 a. ii. is amended to provide for a 3m minimum setback from all other road and state highway boundaries.	Accept in Part	4.2
3300	Ben and Hamish Acland	That 18A.5.5 is amended to provide for a maximum building height of 12m.	Reject	4.2
3300	Ben and Hamish Acland	That 27.3.13 is amended to read as follows: Objective - Subdivision within the General Industrial Zone enables the establishment, operation and long term viability of Industrial, Service, Office, Retail and Commercial activities including those Industrial and Service activities which require larger buildings and more space for the purpose of manoeuvring, loading and vehicle parking.	Reject	4.3
3300	Ben and Hamish Acland	That 27.3.13.1 is amended to read as follows: Enable subdivision and development within the General Industrial Zone that provides for the establishment, operation and long term viability of Industrial, Service, Office, Retail and Commercial activities by ensuring any new lots created are capable of accommodating activities and development that is anticipated by the Zone standards.	Reject	4.3
3300	Ben and Hamish Acland	That 27.3.13.2 is amended to read as follows: Recognise and provide for subdivision activities which create smaller lot sizes than anticipated within the General Industrial Zone where there is a demonstrated need for Industrial, Service, Office, Retail and Commercial activities on lots of that size and where it can be shown that the lots could viably provide for their long term functional needs.	Reject	4.3

o.	Submitter	Submission	Recommendation	Section where Addressed
3300	Ben and Hamish Acland	That 27.3.13.6 is amended to read as follows: Avoid subdivision that creates lots of a size and layout that limit the intended function of the General Industrial Zone to provide for the long term establishment, operation and long term viability of Industrial, Service, Office, Retail and Commercial activities.	Reject	4.3
3300	Ben and Hamish Acland	That the proposed variation to 27.6.1 is amended as follows: General Industrial: Minimum Lot Area = 1000m <sup>2</sup> Except: Subdivision of lots less than 1000m <sup>2</sup> shall be a restricted discretionary activity.	Reject	4.3
3300	Ben and Hamish Acland	That Table 36.5.15 is amended to include the following restricted discretionary activity: Offices within the General Industrial Zone shall be acoustically protected to achieve internal acoustic standards as follows: 0700h to 2200h – 55 Db Aeq(15 min) 2200h to 0700h – 45 Db Aeq(15 min), 70 Db AFmax RD - Discretion is restricted to the extent of effects of noise generated on adjoining zones.	Reject	4.3
3316	Queenstown Airport Corporation	That the purpose statement is amended to acknowledge the proximity of Queenstown Airport to the Glenda Drive General Industrial Zone and the need to manage activities that could impact on aircraft operations.	Reject	4.1
3316	Queenstown Airport Corporation	That the words "or by airport noise" are removed from Policy 18A.2.3.4.	Accept in Part	4.2
3316	Queenstown Airport Corporation	That a new objective is inserted into the Chapter as follows: Objective 18A.2.5: Business and industrial areas in proximity to Queenstown Airport to managed to ensure that the operations of the airport are not adversely affected by Activities Sensitive to Aircraft Noise.	Accept in Part	4.2
3316	Queenstown Airport Corporation	That a new objective is inserted into the Chapter as follows: Policy 18A.5.1: Prohibit the location of any new Activity Sensitive to Aircraft Noise on industrial land within the Air Noise Boundary or Outer Control Boundary for Queenstown Airport.	Accept in Part	4.2
3316	Queenstown Airport Corporation	That a new policy is inserted into the Chapter as follows: Policy 18A.5.2: Require as necessary mechanical ventilation for any alternations or additions to Critical Listening Environments within any existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary.	Accept in Part	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3316	Queenstown Airport Corporation	That Objective 18A.2.4 is amended to include "or the functioning of Queenstown Airport"	Reject	4.2
3316	Queenstown Airport Corporation	That a new policy is inserted as follows: "Manage glare and dust effects and discourage refuse activities within the zone to avoid adverse effects on aircraft operations at Queenstown Airport".	Reject	4.2
3316	Queenstown Airport Corporation	That a new Clause 18A.3.2.5 is inserted as follows: "Obstacle limitation surfaces at Queenstown and Wanaka Airport: Any person wishing to undertake an activity that will penetrate the designated Airport Approach and Land use Controls obstacle limitation surfaces at Queenstown and Wanaka Airport must first obtain written approval of the relevant requiring authority, in accordance with section 176 of the Resource Management Act 1991.	Reject	4.2
3316	Queenstown Airport Corporation	That an addition matter of discretion is added to Rule 18A.4.5, being: "k. the design, construction, orientation and location of the alterations or additions to achieve adequate indoor sound insulation from aircraft noise within the Queenstown Airport Noise Control Boundary or Outer Control Boundary.	Reject	4.2
3316	Queenstown Airport Corporation	That Rule 18A.4.6 is deleted and replaced with proposed new standard 18A.5.10 as follows: Rule 18A.5.10 Buildings within the Outer Control Boundary a. Buildings and alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise (ASAN) shall be designed to achieve an Indoor Design Sound Level of 40 dB Ldn within any Critical Listening Environment, based on the 2037 Noise Contours. b. Compliance between the Outer Control Boundary (OCB) and the Air Noise Boundary (ANB). Compliance shall be demonstrated by either installation of mechanical ventilation to achieve the requirements in Rule 36.6.2 or by submitting a certificate to the Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level with the windows open.	Accept in Part	4.2
3316	Queenstown Airport Corporation	That the words "and refuse collection and disposal" are removed from Rule 18A.4.10.	Reject	4.2
3316	Queenstown Airport Corporation	That Rule 18A.4.13 be retained as notified.	Accept	4.2
3316	Queenstown Airport Corporation	That the maximum building height in Rule 18A.5.5 be 6m.	Reject	4.2



o.	Submitter	Submission	Recommendation	Section where Addressed
3316	Queenstown Airport Corporation	That Rule 18A.5.7 is amended as follows: a. The addition of flight paths to this clause; and an additional standard stating: d. Lighting shall not mimic a design or form that resembles or conflicts with aircraft operations at Queenstown Airport.	Reject	4.2
3316	Queenstown Airport Corporation	That the Matter of Discretion for Rule 18A.5.7 is amended to include aircraft operations.	Reject	4.2
3316	Queenstown Airport Corporation	That Rule 18A.6.2.1 is retained as notified.	Accept	4.2
3316	Queenstown Airport Corporation	That the submitter's property at 27 Lucas Place (Lot 2 DP 472825) with a land area of area 3.27, located on the northern side of Hawthorne Drive approximately 150m west of the intersection with Glenda Drive, be amended as for follows; the Industrial Zone land shown in Attachment B be rezoned to Airport Zone (Stage 1 Decision); or, include new provisions in the General Industrial Zone specific to this land that achieves similar or like relief; or, Rezone the Industrial Zone land shown in Attachment B to Frankton Flats B (Activity Area E1) zone; or including new provisions in the General Industrial Zone specific to this land that achieves similar or like relief; or rezone this land Rural.	Reject	5.2
3340	Reavers (N.Z.) Limited	That Chapter 18A (General Industrial Zone) and all consequential amendments as notified be Reject.	Accept in Part	4
3340	Reavers (N.Z.) Limited	That the adoption of a single industrial zone (the General Industrial Zone) planning framework be retained as notified.	Accept	4
3340	Reavers (N.Z.) Limited	That the rezoning of Rural Zone land and unzoned stopped road in the Glenda Drive area to General Industrial Zone be retained as notified.	Accept	5.2
3340	Reavers (N.Z.) Limited	That the use of prohibited activity statuses in Table 18A.4 be Reject.	Accept in Part	4.2
3340	Reavers (N.Z.) Limited	That the prohibited activity statuses associated with Policy 18A.2.2.1 be Reject.	Accept in Part	4.2
3340	Reavers (N.Z.) Limited	That the use of a prohibited activity status for 'custodial' residential units be Reject.	Reject	4.2
3340	Reavers (N.Z.) Limited	That Rule 18A.4.5 (buildings) be amended to have a controlled activity status.	Reject	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3340	Reavers (N.Z.) Limited	That the 50 m2 restriction for ancillary office, retail and commercial activities in rule 18A.5.1(a) be Reject.	Reject	4.2
3340	Reavers (N.Z.) Limited	That a ratio/percentage requirement for ancillary office, retail and commercial activities be applied in Rule 18A.5.1(a).	Reject	4.2
3340	Reavers (N.Z.) Limited	That the minimum 5 m road boundary setback specified for buildings in rule 18A.5.3(a)(ii) be Reject.	Accept in Part	4.2
3340	Reavers (N.Z.) Limited	That the 7 m road boundary setback for buildings in rule 18A.5.3(b)(i) be Reject.	Reject	4.2
3340	Reavers (N.Z.) Limited	That the 10 m maximum height for buildings in Rule 18A.5.5 be retained as notified.	Accept in part	4.2
3340	Reavers (N.Z.) Limited	That clarification is provided in regard to the application of Rule 18A.5.6 in respect to the submitter's land: Lot 1 DP 333539 and Section 1 Survey Office Plan 495820 Lot 4 DP 333539 and Section 2 Survey Office Plan 495820 Lot 3 DP 333539 Lot 5 DP 333539 Lot 6 DP 333539 Lot 7 DP 534856 Lot 2 DP 534856 Lot 18 DP 19871 Lot 19 DP 19871 Lot 20 and 21 DP 19862 Lot 9 DP 333539 Lot 10 DP 333539 Lot 11 DP 333539 Lot 14 DP 19871 Lot 14 DP 304880	Accept	5.2
3340	Reavers (N.Z.) Limited	That Rule 27.6.1 be amended to specify no minimum lot area for subdivision in the General Industrial Zone.	Reject	4.3
3340	Reavers (N.Z.) Limited	That further work be undertaken to acknowledge the range, scale and diversity of activities already established within the Glenda Drive industrial environment.	Accept in Part	4.2
3340	Reavers (N.Z.) Limited	That a more efficient and effective proposal for the Glenda Drive industrial environment be notified.	Accept in Part	4.2
3340	Reavers (N.Z.) Limited	That any other additional or consequential relief to the Proposed District Plan be provided that will give effect to the submission.	Consequential	Consequential
3342	Otago Regional Council	That Objective 18A.2.1 be retained as notified.	Accept	4.2
3342	Otago Regional Council	That Policy 18A.2.1.1 be retained as notified.	Accept	4.2
3342	Otago Regional Council	That Policy 18A.2.1.2 be retained as notified.	Accept	4.2
3342	Otago Regional Council	That Policy 18A.2.1.3 be retained as notified.	Accept	4.2
3342	Otago Regional Council	That Policy 18A.2.1.4 be retained as notified.	Accept	4.2
3342	Otago Regional Council	That Policy 18A.2.1.5 be retained as notified.	Accept	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3342	Otago Regional Council	That Objective 18A.2.2 be retained as notified.	Accept	4.2
3342	Otago Regional Council	That Policy 18A.2.2.1 be retained as notified.	Accept in Part	4.2
3342	Otago Regional Council	That Policy 18A.2.2.2 be retained as notified.	Accept	4.2
3342	Otago Regional Council	That Policy 18A.2.2.3 be retained as notified.	Accept	4.2
3342	Otago Regional Council	That Policy 18A.2.2.4 be retained as notified.	Accept	4.2
3342	Otago Regional Council	That Policy 18A.2.2.5 be retained as notified.	Accept	4.2
3342	Otago Regional Council	That Objective 18A.2.3 be retained as notified.	Accept	4.2
3342	Otago Regional Council	That Policy 18A.2.3.1 be retained as notified.	Accept	4.2
3342	Otago Regional Council	That Policy 18A.2.3.2 be retained as notified.	Accept	4.2
3342	Otago Regional Council	That Policy 18A.2.3.3 be retained as notified.	Accept	4.2
3342	Otago Regional Council	That Policy 18A.2.3.4 be retained as notified.	Accept	4.2
3342	Otago Regional Council	That Objective 18A.2.4 be retained as notified.	Accept	4.2
3342	Otago Regional Council	That Policy 18A.2.4.1 be retained as notified.	Accept	4.2
3342	Otago Regional Council	That Policy 18A.2.4.2 be retained as notified.	Accept	4.2
3343	WAYFARE GROUP LIMITED	That Policy 18A.2.2.1 is amended to clarify that recreation/commercial recreation activities need not be avoided, by inserting the text 'excluding commercial recreation' after commercial activities.	Reject	4.2
3343	WAYFARE GROUP LIMITED	That a new policy is inserted that provides for recreation activities as follows: "Provide for recreation and community activities and facilities, including commercial recreation, where: i. The applicant demonstrates that it is difficult or impractical to locate the activity in other zones; ii. The activity is compatible with the use of industrial land or buildings and iii. The activity is compatible with neighbouring land uses.	Reject	4.2
3343	WAYFAREGROUP LIMITED	That the activity status in Rule 18A.4.8, in relation to recreation and commercial recreation activities is amended from Non-Complying to Discretionary.	Reject	4.2
3343	WAYFARE GROUP LIMITED	That the activity status in Rule 18A.4.9, in relation to community activities and facilities is amended from 'Non-complying' to 'Discretionary'.	Reject	4.2
3343	WAYFARE GROUP LIMITED	That Policy 18A.2.2.4 is amended to clarify that recreation/commercial recreation activities need not be avoided, by inserting the text 'excluding commercial recreation' after commercial activities.	Reject	4.2
3348	J. McMillan	That buildings are controlled activities in respect of landscaping, external appearance, location of offices and showrooms, and visual impact.	Reject	4.2

o.	Submitter	Submission	Recommendation	Section where Addressed
3348	J. McMillan	That outdoor storage areas are permitted.	Accept	4.2
3348	J. McMillan	That retail sales are limited to goods manufactured on the site, and ancillary products up to 20% of the gross floor area, or are otherwise non-complying.	Accept in Part	4.2
3348	J. McMillan	That Visitor accommodation is non-complying.	Reject	4.2
3348	J. McMillan	That one residential unit per site is permitted for the purpose of onsite custodial management.	Reject	4.2
3348	J. McMillan	That buildings are to be set back 5m from State Highway 6 and 2m from all other boundaries.	Accept in Part	4.2
3348	J. McMillan	That 80% maximum site coverage is allowed.	Reject	4.2
3348	J. McMillan	That a Maximum building height of 10m is allowed.	Accept in Part	4.2
3348	J. McMillan	That adherence to noise standards measured at any point outside of the zone is allowed.	Reject	4.2
3348	J. McMillan	That there is a no minimum allotment size for subdivision.	Reject	4.3
3348	J. McMillan	That Map 31 is updated to reflect that the submitter's property, Lot 1 DP 308784 located on the northern side of Frankton-Ladies Mile Highway, approximately 170m north-east of the intersection with Hardware Lane, and the surrounding properties, being zoned Industrial, with location specific and consequential changes to those provisions to give effect to the issues raised.	Reject	5.2
3348	J. McMillan	That any other additional or consequential relief to the Proposed Plan, including but not limited to, the maps, issues, objectives, policies, rules, discretions, assessment criteria and explanations that will fully give effect to the matters raised in this submission; including any other appropriate zoning and provisions.	Consequential	Consequential
3349	Cardrona Cattle Company Limited	That prohibitive activities be removed as it relates to the Industrial Zone sought at Victoria Flat.	Reject	4.2, 5.4
3349	Cardrona Cattle Company Limited	That provision is included for custodial residential living and workers accommodation as it relates to the Industrial Zone sought at Victoria Flat.	Reject	4.3, 5.4
3349	Cardrona Cattle Company Limited	That buildings are controlled activities in respect of landscaping, external appearance, location of offices and showrooms, and visual impact, as it relates to the Industrial Zone sought at Victoria Flat.	Reject	4.2, 5.4
3349	Cardrona Cattle Company Limited	That the outdoor storage areas located within any street scene setback are controlled activities in respect of landscaping, screening, appearance and visual impact, as it relates to the Industrial Zone sought at Victoria	Reject	4.2, 5.4

o.	Submitter	Submission	Recommendation	Section where Addressed
		Flat.		
3349	Cardrona Cattle Company Limited	That retail sales are limited to goods manufactured on the site, and ancillary products up to 20% of the gross floor area, or are otherwise non-complying, as it relates to the Industrial Zone sought at Victoria Flat.	Reject	4.2, 5.4
3349	Cardrona Cattle Company Limited	That Visitor accommodation is non-complying as it relates to the Industrial Zone sought at Victoria Flat.	Reject	4.2, 5.4
3349	Cardrona Cattle Company Limited	That buildings are to be set back 10m from State Highway 6 and 2m from all other boundaries as it relates to the Industrial Zone sought at Victoria Flat.	Reject	4.2, 5.4
3349	Cardrona Cattle Company Limited	That 80% maximum site coverage is allowed as it relates to the Industrial Zone sought at Victoria Flat.	Reject	4.2, 5.4
3349	Cardrona Cattle Company Limited	That a maximum building height of 10m is allowed as it relates to the Industrial Zone sought at Victoria Flat.	Reject	4.2, 5.4
3349	Cardrona Cattle Company Limited	That adherence to noise standards measured at any point outside of the zone is allowed as it relates to the Industrial Zone sought at Victoria Flats.	Reject	5.4
3349	Cardrona Cattle Company Limited	That no minimum allotment size for subdivision is allowed as it relates to the Industrial Zone sought at Victoria Flat.	Reject	4.3
3349	Cardrona Cattle Company Limited	That all necessary refinements are made to the objectives and policies of the Zone as it relates to the Industrial Zone sought at Victoria Flat.	Consequential	Consequential
3349	Cardrona Cattle Company Limited	That the flat parts (approximately 41 Ha) of the submitter's properties at 3207 Gibbston Highway, located to the immediate east of the landfill site and on the western side of the Kawarau river, be rezoned from Gibbston Character zone to General Industrial Zone, with location specific and consequential changes to those provisions of the Proposed District Plan to give effect to the issues raised in this submission.	Reject	5.4
3349	Cardrona Cattle Company Limited	That any other additional or consequential relief to the Proposed District Plan, including but not limited to, the maps, issues, objectives, policies, rules, discretions, assessment criteria and explanations that will fully give effect to the matters raised in this submission; including any other appropriate zoning and provisions.	Consequential	Consequential

o.	Submitter	Submission	Recommendation	Section where Addressed
3352	M-Space Partnership Ltd	That the submitter's land, being 7, 11, 12, 17 Sutherland Lane and 226 Glenda Drive, legally described as Lots 5, 8, and 9 DP 521947, Lot 17 DP 540262, and Lot 15 DP 526426, with a land area of 0.3ha, be rezoned from General Industrial to Business Mixed Use with any other additional or consequential relief that will give effect to the submission.	Accept in Part	5.2
3352	M-Space Partnership Ltd	That in the alternative to the Submitter's land, being 7, 11, 12, 17 Sutherland Lane and 226 Glenda Drive, legally described as Lots 5, 8, and 9 DP 521947, Lot 17 DP 540262, and Lot 15 DP 526426, being rezoned to an amended Business Mixed Use Zone as sought in submission 3352.1, that a General Industrial Zone be created that is specific to the Glenda Drive neighbourhood with the provision for more mixed use commercial and residential activities; with any other additional or consequential relief that will fully give effect to the submission.	Accept in Part	4.2, 5.2
3353	Bush Creek Property Holdings Limited Bush Creek Property Holdings No. 2 Limited	That the submitter's land at 7 & 9a Bush Creek Road (Lot 1 DP 27675 with an area of 0.2ha & Lot 1 DP 17215 with a land area of 0.13ha) be rezoned from General Industrial to Business Mixed Use with any other additional or consequential relief that will give effect to the submission.	Accept in Part	4.2, 5.3
3353	Bush Creek Property Holdings Limited Bush Creek Property Holdings No. 2 Limited	That if the Submitter's land at 7 & 9a Bush Creek Road (Lot 1 DP 27675 with an area of 0.2ha & Lot 1 DP 17215 with a land area of 0.13ha) is not rezoned to Business Mixed Use Zone then a General Industrial Zone should be applied that is specific to the neighbourhood with the provision for more mixed use commercial and residential activities; with any other additional or consequential relief that will fully give effect to the submission.	Accept in Part	4.2, 5.3
3354	Bush Creek Investments Limited	That the submitter's land at 11 Bush Creek Road (Lots 1 and 2 DP 18134 with a total land area of 1.8ha) be rezoned from General Industrial to Business Mixed Use with any other additional or consequential relief that will give effect to the submission.	Accept in Part	4.2, 5.3
3354	Bush Creek Investments Limited	That if the Submitter's land at 11 Bush Creek Road (Lots 1 and 2 DP 18134 with a total land area of 1.8ha) is not rezoned to Business Mixed Use Zone sought by submission 3354.1, that a General Industrial Zone that is specific to the neighbourhood should be applied with the provision for more mixed use commercial and residential activities; with any other additional or consequential relief that will fully give effect to the submission.	Accept in Part	4.2, 5.3

o.	Submitter	Submission	Recommendation	Section where Addressed
3355	M J Thomas	That the submitter's land 14 Bush Creek Road, Arrowtown (Lot 1 DP 20056 and Lot 1 DP 24863 with a land area of 0.1ha) be rezoned from General Industrial to Business Mixed Use with any other additional or consequential relief that will give effect to the submission.	Accept in Part	5.3
3355	M J Thomas	That if the Submitter's land at 14 Bush Creek Road, Arrowtown (Lot 1 DP 20056 and Lot 1 DP 24863 with a land area of 0.1ha) is not rezoned to Business Mixed Use Zone as sought by submission 3355.2 then a General Industrial Zone that is specific to the neighbourhood should be applied with the provision for more mixed use commercial and residential activities; with any other additional or consequential relief that will fully give effect to the submission.	Accept in Part	4.2, 5.3
3357	The Station at Waitiri Limited (2)	That buildings are controlled activities in respect of landscaping, external appearance, location of offices and showrooms, and visual impact.	Reject	4.2
3357	The Station at Waitiri Limited (2)	That outdoor storage areas are permitted.	Accept	4.2
3357	The Station at Waitiri Limited (2)	That retail sales are limited to goods manufactured on the site, and ancillary products up to 20% of the gross floor area, or are otherwise non-complying.	Reject	4.2
3357	The Station at Waitiri Limited (2)	That Visitor accommodation is non-complying.	Reject	4.2
3357	The Station at Waitiri Limited (2)	That one residential unit per site is permitted for the purpose of onsite custodial management.	Reject	4.2
3357	The Station at Waitiri Limited (2)	That buildings are to be set back 5m from State Highway 6 and 2m from all other boundaries.	Accept in Part	4.2
3357	The Station at Waitiri Limited (2)	That 80% maximum site coverage is allowed.	Reject	4.2
3357	The Station at Waitiri Limited (2)	That a Maximum building height of 10m is allowed.	Accept in part	4.2
3357	The Station at Waitiri Limited (2)	That adherence to noise standards measured at any point outside of the zone is allowed.	Reject	5.4
3357	The Station at Waitiri Limited (2)	That there is a no minimum allotment size for subdivision.	Reject	5.4

o.	Submitter	Submission	Recommendation	Section where Addressed
3357	The Station at Waitiri Limited (2)	That the submitter's property along Gibbston Valley Highway, being Section 3 SO 24743 and Lot 4 DP 27395, located on the southern side of the Kawarau River and the surrounding properties, being re-zoned Industrial, with location specific and consequential changes to those provisions to give effect to the issues raised.	Reject	5.4
3357	The Station at Waitiri Limited (2)	That any other additional or consequential relief to the Proposed Plan, including but not limited to, the maps, issues, objectives, policies, rules, discretions, assessment criteria and explanations that will fully give effect to the matters raised in this submission; including any other appropriate zoning and provisions.	Consequential	5.4
3201	Willowridge Developments Limited	That the eastern boundary of the General Industrial Zoned (GIZ) site be moved to the east in lie with the Ponds site so as to not create a strip of residential activity that may be adversely affected by future industrial activity.	Reject	5.6
3381	Danielle Murdoch	That the land identified be re-zoned from General Industrial to Business Mixed Use land and some of the proposed Active Sports and Recreation land zoned General Industrial.	Reject	5.1