

## FORM 5

## SUBMISSION ON A PUBLICLY NOTIFIED PROPOSAL FOR PLAN

## PROPOSED QUEENSTOWN LAKES DISTRICT PLAN

*Clause 6 of First Schedule, Resource Management Act 1991*

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**TO:** Queenstown Lakes District Council ("**Council**")

**SUBMITTER:** Kingston Lifestyle Properties Ltd ("**Submitter**")

**SUBMISSION ON:** Stage 3 of the Proposed Queenstown Lakes District Plan

This is a submission on the following proposed plan ("**proposal**"):

Stage 3 of the Proposed Queenstown Lakes District Plan ("**PDP**").

**Background**

1. The Submitter is the owner of the Kingston Flyer landholdings and the associated steam locomotives, shunting engines, rolling stock, buildings and infrastructure at Kingston. This landholding comprises of the following properties that are located within the Queenstown Lakes District:

- Section 2 SO 10898;
- Section 1 SO 10898;
- Section 3 SO 10898;
- Lot 1 DP 12130;
- Lot 9 DP 306647;
- Lot 1 DP 306647;
- Lot 6 DP 306647;
- Section 1 SO 7617;

- Lot 2 DP 318661; and
  - Lot 1 DP 318661.
2. These properties (referred to as “**Kingston Flyer land**”) are shown on the Kingston Flyer Landholding Plan attached as **Appendix 1**.
  3. The Kingston Flyer is a vintage steam train based in Kingston at the southern end of Lake Wakatipu. The Kingston Flyer uses 14 kilometres of preserved railway lines from the Kingston Station to the Fairlight Station that once formed a part of the Kingston Branch. The Kingston Flyer heritage service has been operated as a commercial recreation activity since 1971 by two A<sup>B</sup> class steam locomotives:
    - AB 778 (entered service in 1925); and
    - AB 795 (entered service in 1927 and once pulled the New Zealand Royal Train).
  4. The rolling stock of the Kingston Flyer comprises of seven wooden-bodied passenger carriages and a small collection of goods wagons including three ballast wagons and an EP class plough van. The Flyer also has a resident shunting locomotive (TR 350). An image of the AB 795 and the carriages in operation is shown in Figure 1 below. A video of the last time the Kingston Flyer was re-launched as a tourist attraction can be found at <https://youtu.be/SIRN5QmCiqE>.
  5. The historic Kingston Station is located at the north-western end of the Kingston settlement on the foreshore of Lake Wakatipu. The Kingston Station has recently been renovated and is now being used as the Kingston Flyer Café and Bar. Images of the renovated Station are provided in **Figures 2 and 3** below.
  6. The Kingston Flyer railway, including the railway turntable, water tank and crane, railway line from Kingston to Fairlight, Kingston railway station and the water weir are listed as Category 2 Heritage Features (Ref No. 411) in the PDP (Chapter 26 – Historic Heritage). This means these items warrant permanent protection because they are very significant to the district and / or locally. The total demolition or relocation, partial demolition and relocation within the same site of these items is a Non Complying Activity under the PDP. The external or internal alteration or addition to these items and the development within the setting or extent of place of these items is a Restricted Discretionary Activity under the PDP. The protection and management of the historic heritage values of the Kingston Station and the Kingston Flyer railway line and associated rail infrastructure is therefore already provided for under the PDP.



Figure 1 – Photograph of AB 795 and Carriages in Operation



Figure 2 – Photograph of Kingston Flyer Café and Bar within the Kingston Station



**Figure 3 - Photograph of Kingston Flyer Café and Bar Outdoor Area**

7. The Submitter has recently completed the purchase of the Kingston Flyer landholdings and the associated steam locomotives, shunting engines, rolling stock, railway lines, buildings and infrastructure. The Submitter intends to restore the steam locomotives, rolling stock, buildings and infrastructure and re-commence the operation of the Kingston Flyer as a tourist attraction. The Submitter has completed the first stage of this restoration process, which included the refurbishment of AB 795 and the completion of repair and maintenance works on the railway lines. This work has resulted in a new licence being issued to the Submitter by the New Zealand Transport Agency (**NZTA**) under the Railways Act 2005 to operate the Kingston Flyer.
8. The Railways Act 2005 came into force on 20 July 2005 with the aim of improving the safety regime for all rail operators. The Act consolidated the existing rail safety legislation into a single Act. The Act introduced a more proactive approach to identifying and managing critical safety issues by ensuring key rail participants are licensed, that key safety data is collected, that operators demonstrate they are managing safety risks, and that the NZTA has more powers to audit, inspect and sanction operators. Under the Act the Submitter is a “*rail participant*”, and the Kingston Flyer railway corridor including the railway lines is “*railway infrastructure*”.
9. The Submitters intention is to complete a comprehensive master planned development of the Kingston Flyer landholdings to compliment and support the operation of the Kingston Flyer as a tourist attraction. It is expected that this master planned

development will include the land owned by DM and ME Bryce Ltd (Sections 1 – 5, 22 – 24 Block 1 Town of Kingston and Section 1 Block XIX Town of Kingston referred to as “**Bryce land**”). The Submitter also intends to continue negotiations with the Crown to obtain the land located at the intersection of Kent Street and Somerset Street (Part Section 12 Block 1 Town of Kingston and Part Section 13 Block 1 Town of Kingston) and the land located adjacent the Kingston wharf that partially contains the Kingston Flyer engine shed (Lot 4 DP 318631) (jointly referred to as “**Crown land**”).

10. It is expected the development will involve connection with the Kingston wharf to reinstate the historical use of the Kingston Flyer in conjunction with steamers on Lake Wakatipu to provide the primary access to Queenstown from the south. This would involve a fast-ferry service from Queenstown to Kingston to connect with the Kingston Flyer, which could also act as a commuter option for the future residents of this bottom-of-the lake township.
11. The future development would involve a mix of land uses and a design approach that inherently captures the character and sense of identity of the Kingston settlement and the Kingston Flyer. The intention of future development would be to create an active, outward facing, high quality built edge along the Kingston Station platform and the railway lines facing to the foreshore of Lake Wakatipu as well as to the surrounding streets. It is anticipated the mix of land uses would involve small-scale retail, restaurants and bars, residential and serviced apartments, visitor accommodation and a hotel. The development would be master planned to deliver a strong sense of mix use and a sense of vibrancy and add to levels of safety and surveillance. It is expected the visual mass and intensity of the built form would be managed through sensitive design and stepping of building heights and rooflines, articulation of building facades and variation in materiality.
12. The restoration and development of the Lake Wakatipu foreshore area and the ongoing preservation of the Kingston Flyer operation would form a key component of any future development. The development would retain all specific items of public interest such as the bridge, memorial structures and the original Kingston Station and ticketing office. The foreshore development would introduce a comprehensive landscape design that features strong pedestrian links to all aspects of the development and the existing walkway network that has been established along the foreshore.
13. It is considered the intended development of the Kingston Flyer landholdings will provide several significant benefits for Kingston, being:

- provision for future residential expansion and a wider range of living typologies to meet permanent and temporary housing needs;
  - provision of a commercial centre adjacent to the Kingston Flyer Station and Kingston wharf resulting in opportunities for local employment; and
  - improved community facilities and foreshore reserve for public use and amenity that offers strong linkages to the lake edge from the commercial centre as well as connections to the foreshore reserve and local movement networks.
14. There are several background planning documents that relate to the Kingston settlement which are of relevance to any future development on the landholdings. These include the Kingston 2020 Community Plan, the Urban Design Review of the Community Plan 2003 and the Kingston Foreshore Management Plan.
15. The Kingston 2020 Community Plan provides the community vision for Kingston and the strategic goals and priorities for the settlement for the next twenty years. A desk top review of the Community Plan was undertaken by Urban Design Ltd in 2003 to review (in terms of urban design outcomes) the methods recommended to achieve the Community's vision as outlined in the Community Plan. The review contained the following headings:
- Managing Growth – Residential and commercial potential in the area has been defined within this section of the plan. In particular, the Kingston Flyer land has been highlighted as an area for a commercial precinct that would include historical links. These links would include the Kingston Flyer, station and wharf area.
  - Reserves and Open Space – Connected trails within and around the settlement are valued. More structure to the foreshore is required that includes further parking that retains existing amenity values. Large trees characterise reserves and open space areas.
  - Infrastructure – It is recognised that future growth is dependent on the provision of water and sewerage and this provision is dependent on growth.
  - Urban Character / Entranceways – The important character is the settlements association with the Kingston Flyer and building on design cues that are associated with the railway is supported.

- Community Facilities – Confirms that existing facilities are supported and that any future community facilities should be situated in close proximity to a commercial precinct.
  - Rural Character – Outlines that the settlement is somewhat defined by the large expanses of rural area that surround the settlement. Where possible it is considered appropriate to retain these areas of rural character.
16. The Kingston Foreshore Management Plan contains several key issues that relate to the foreshore adjacent to the landholdings. These issues include:
- Wetlands to be developed with native plants and trees (Kahikatea to be considered).
  - Picnic areas to be developed;
  - Playground area to be developed;
  - Passive recreation uses to be retained;
  - Restricted vehicle access; and
  - Road and railway land to be incorporated into the reserve.
17. In addition to the above, the Kingston Foreshore Management Plan outlines the importance of providing a formed walkway along the foreshore area which should be linked to other walkways where possible and outlines the importance of native shrubland plantings (e.g. Kowhai) and where appropriate deciduous canopy trees (e.g. Chinese popular and Elm).
18. The intention of the submitter is to ensure that the future development of the landholdings will implement the overall vision provided by these planning documents.
19. The Kingston settlement is adjoined by the Operative Queenstown Lakes District Plan Kingston Village Special Zone (“**KVSZ**”), which provides for 900 residential allotments as well as non-residential activity areas and will serve as an extension to the Kingston settlement, albeit via a separate zone with a separate planning framework. Although the exact content of the next stage of the District Plan review is yet to be confirmed by the Council the KVSZ is intended to be reviewed as part of Stage 4 of the District Plan review. As the Kingston Flyer railway lines are located

between the KVSZ and the Kingston settlement the Submitter will be taking a keen interest in the Stage 4 plan review process to ensure the continued operation of the Kingston Flyer as a tourist attraction is not compromised by future residential development as was intended by the previous plan change process for the KVSZ.

20. The submitter has identified several key issues with the proposed Stage 3 plan provisions for Kingston as follows:

- The full extent of the Kingston Flyer landholdings has not been zoned “Settlement” and appears to be shown as road and / or public land.
- The existing Kingston Flyer railway and associated infrastructure has not been appropriately recognised and provided for.
- The Commercial Precinct does not extend over the full extent of the Kingston Flyer landholdings.
- The Commercial Precinct does not provide for Residential activities.
- The Standards do not provide for buildings over two storeys in height which could compromise the efficient and effective development of the landholdings for visitor accommodation.
- The Standards do not provide for commercial or visitor accommodation buildings to be built to the street frontage.
- The Standards do not provide for efficient or effective length of building facades for commercial or visitor accommodation buildings.
- The Standards inadvertently restrict the storage and / or parking of the Kingston Flyer steam locomotives, shunting engines and rolling stock on the Kingston Flyer land.
- The subdivision provisions do not provide for efficient or effective subdivision opportunities for ownership of commercial and / or visitor accommodation development.

21. The Submitter is therefore interested in all aspects of Stage 3 of the Proposed Queenstown Lakes District Plan to the extent that it may impact on the Submitters continued use and operation of the Kingston Flyer and the future development of its



landholdings and the associated landholdings (DM and ME Bryce Ltd and Crown land) within Kingston as outlined above. The Submitter has identified alternative methods that should be implemented to address the issues identified with Stage 3 of the Proposed Queenstown Lakes District Plan below.

### **Trade Competition**

22. The Submitter is not a trade competitor for the purposes of Section 308D of the RMA and could not gain an advantage in trade competition through this submission.

### **Extent of Submission**

23. The Submitter is interested in all aspects of Stage 3 to the Proposed Queenstown Lakes District Plan (“**PDP**”) to the extent that it may impact on the land to which the submission relates. Without limiting the generality of the above, the more specific provisions of the proposal that the submission relates to are:
- (a) The extent of the Settlement Zoning as detailed on the Stage 3 Web Mapping Application Viewer;
  - (b) The extent of the Commercial Precinct as detailed on the Stage 3 Web Mapping Application Viewer;
  - (c) The extent of land shown as road and / or public land as detailed on the Stage 3 Web Mapping Application Viewer;
  - (d) Chapter 20 – Settlement Zone, together with all consequential or associated amendments to the PDP (“**settlement zone provisions**”); and
  - (e) Chapter 39 – Wāhi Tūpuna, together with all consequential or associated amendments to the PDP (“**wāhi tūpuna provisions**”).

### **Submission - Settlement Zone Provisions**

24. The submission is detailed in the table below. The table sets out the specific provisions of the proposal that the submission relates to, whether the Submitter supports or opposes the specific provisions or wish to have them amended, reasons for the Submitter views and the decision sought from the Council.
25. The Submitter is however of the view that a more specific precinct should have been applied to its landholdings that recognises the unique amenity and historic heritage

values that are associated with the Kingston Flyer. This would provide the opportunity to efficiently and effectively develop this land resource through a master planned approach to provide for the maintenance and enhancement of the identified amenity and historic heritage values and sustain the long-term viability of this significant tourist attraction.

26. The Submitter was surprised that it was not directly consulted by the Council on the Stage 3 changes proposed for Kingston given the significance of the Kingston Flyer to the settlement and the wider region and the Category 2 historic heritage listing of this resource in the PDP. The Submitter would have taken the opportunity if directly consulted by the Council to work in conjunction with the Council to develop a more appropriate precinct for the Kingston Flyer land to achieve the objectives of the PDP.
27. The Submitter would still be willing to work with the Council to develop a more appropriate precinct for the Kingston Flyer landholdings. The more specific decisions sought from the Council in the table below are therefore complimented by the alternative broader decision that is sought from the Council, which is the inclusion of a new precinct for the Settlement Zone at Kingston that provides appropriate objectives, policies, rules and standards for the comprehensive development of the precinct for a mix of small-scale retail, commercial, community, visitor accommodation and more intensive residential activities that maintain and enhance the unique amenity and historic heritage values associated with the Kingston Flyer land.
28. The extent of the new precinct and the objectives, policies, rules and standards for the new precinct would need to be specifically formulated in conjunction with the Council based on the more specific submission points that are outlined in the table below.
29. The Kingston Flyer railway is no longer designated in the PDP as the Submitter is not a requiring authority. This has resulted in a resource management 'hole' being created in the PDP as the existing use of the Kingston Flyer land for railway purposes is no longer recognised in the PDP. This issue can be addressed through provision of the use and operation of the Kingston Flyer on the railway lines and associated rail infrastructure on the Kingston Flyer land being provided for as a Permitted Activity in the Settlement Zone.

**Specific Submission Points**

Specific Provision	Support or Oppose	Amendments Requested	Reasons	Decision Sought
Settlement Zone	Support in part	Extend the Settlement Zone over the entire extent of the Kingston Flyer land (Kingston Flyer railway corridor) more specifically being the land identified as Section 2 SO 10898, Section 1 SO 10898, Lot 6 DP 306647, Section 1 SO 7617, Lot 2 DP 318661 and Lot 1 DP 318661 as shown on the plan attached as <b>Appendix 2</b> .	<p>The general reasons that the Submitter only supports the specific provisions in part are that, in their current form, they:</p> <p>(a) will not implement and / or give effect to the objectives, policies, and other provisions of the relevant planning instruments, including the other strategic and more specific provisions of the PDP, as well as the Regional Policy Statement; and</p> <p>(b) are otherwise inconsistent with and / or will not achieve the purpose of the RMA and the other provisions of Part 2 of the RMA; and</p> <p>(c) fail to meet the requirements of section 32 of the RMA.</p> <p>Without limiting the generality of the reasons above, the zoning of the land at Kingston as Settlement in the PDP is supported. However, the land owned by the Submitter identified as Section 2 SO 10898, Section 1 SO 10898, Lot 6 DP 306647, Section 1 SO 7617, Lot 2 DP 318661 and Lot 1 DP 318661 is not shown as being zoned on the Stage 3 Web Mapping Application Viewer. As this land is in</p>	<p>Include the land identified as Section 2 SO 10898, Section 1 SO 10898, Lot 6 DP 306647, Section 1 SO 7617, Lot 2 DP 318661 and Lot 1 DP 318661 in the Settlement Zone at Kingston, as well as amend the Settlement Zone provisions to address the concerns expressed.</p> <p>Any other similar or alternative decision as is necessary to provide for the general outcome that is sought by the amendments requested, including the application of a new zone and / or precinct to all the relevant land.</p>

Specific Provision	Support or Oppose	Amendments Requested	Reasons	Decision Sought
			private ownership it is required to be zoned. The most appropriate zoning for this land is Settlement Zone consistent with the zoning applied to the rest of Kingston.	
Settlement Zone	Support in part	Extend the Settlement Zone over the Crown land identified as Lot 4 DP 318631 as shown on the plan attached as <b>Appendix 2</b> .	<p>The general reasons that the Submitter only supports the specific provisions in part are that, in their current form, they:</p> <p>(a) will not implement and / or give effect to the objectives, policies, and other provisions of the relevant planning instruments, including the other strategic and more specific provisions of the PDP, as well as the Regional Policy Statement; and</p> <p>(b) are otherwise inconsistent with and / or will not achieve the purpose of the RMA and the other provisions of Part 2 of the RMA; and</p> <p>(c) fail to meet the requirements of section 32 of the RMA.</p> <p>Without limiting the generality of the reasons above, the land located adjacent to the Kingston wharf that currently partially contains the Kingston Flyer engine shed and which is utilised for the parking of the steam locomotives and the rolling stock is not</p>	<p>Include the land identified as Lot 4 DP 318631 in the Settlement Zone at Kingston, as well as amend the Settlement Zone provisions to address the concerns expressed.</p> <p>Any other similar or alternative decision as is necessary to provide for the general outcome that is sought by the amendments requested, including the application of a new zone and / or precinct to all the relevant land.</p>

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			<p>shown as being zoned on the Stage 3 Web Mapping Application Viewer.</p> <p>This land is gazetted as recreation reserve. However, the Crown has indicated that this reserve designation could be removed to enable the purchase of this land or the exchange this land for other land that would be more beneficial to the public as recreation reserve. This would regularise the existing use of this land for the storage and parking of the Kingston Flyer steam locomotives, shunting engines and rolling stock. This current use is permitted by the Crown without any lease being required or a licence to occupy.</p> <p>As such, the most appropriate zoning for this land is Settlement Zone consistent with the zoning applied to the rest of Kingston.</p>	
Commercial Precinct	Support in part	Include all the Kingston Flyer land within the Commercial Precinct at Kingston more specifically the land identified as Section 2 SO 10898, Section 1 SO 10898, Lot 1 DP 12130, Lot 9 DP 306647, Lot 1 DP 306647, Lot 6 DP 306647, Section 1 SO 7617, Lot 2 DP 318661 and Lot 1 DP 318661 as shown on the plan attached as <b>Appendix 2</b> .	<p>The general reasons that the Submitter only supports the specific provisions in part are that, in their current form, they:</p> <p>(a) will not implement and / or give effect to the objectives, policies, and other provisions of the relevant planning instruments, including the other</p>	Include the land identified as Section 2 SO 10898, Section 1 SO 10898, Lot 1 DP 12130, Lot 9 DP 306647, Lot 1 DP 306647, Lot 6 DP 306647, Section 1 SO 7617, Lot 2 DP 318661 and Lot 1 DP 318661

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			<p>strategic and more specific provisions of the PDP, as well as the Regional Policy Statement; and</p> <p>(b) are otherwise inconsistent with and / or will not achieve the purpose of the RMA and the other provisions of Part 2 of the RMA; and</p> <p>(c) fail to meet the requirements of section 32 of the RMA.</p> <p>Without limiting the generality of the reasons above, the inclusion of the Kingston Flyer land in the Commercial Precinct at Kingston in the PDP is supported. However, the land owned by the Submitter identified as Section 2 SO 10898, Section 1 SO 10898, Lot 1 DP 12130, Lot 9 DP 306647, Lot 1 DP 306647, Lot 6 DP 306647, Section 1 SO 7617, Lot 2 DP 318661 and Lot 1 DP 318661 is not shown as being included within the Commercial Precinct on the Stage 3 Web Mapping Application Viewer.</p> <p>This does not reflect the current use of this land for activities that are related to the operation of the Kingston Flyer or the existence of the structures, buildings and infrastructure on this land that is related to the operation of the Kingston Flyer. This land will be developed in the future for commercial</p>	<p>in the Commercial Precinct at Kingston, as well as amend the Commercial Precinct provisions to address the concerns expressed.</p> <p>Any other similar or alternative decision as is necessary to provide for the general outcome that is sought by the amendments requested, including the application of a new zone and / or precinct to all the relevant land.</p>

Specific Provision	Support or Oppose	Amendments Requested	Reasons	Decision Sought
			<p>activities and visitor accommodation activities consistent with the existing use of the land. The exclusion of this land from the Commercial Precinct does not therefore formalise the existing commercial activities at Kingston and provide for the commercial activities and the visitor accommodation activities at Kingston that are required to assist with supporting the local economy, reduce the need to travel significant distances for employment and provide access to local conveniences.</p> <p>The exclusion of this land from the Commercial Precinct will therefore restrict the comprehensive development of the Kingston Flyer land for small-scale retail, commercial, commercial recreation, community, visitor accommodation and more intensive residential activities centred on the existing Kingston Flyer commercial recreation operation. This will not provide for the maintenance and enhancement of the unique amenity and historic values that are associated with this land and will compromise the ability for the Submitter to sustain the viability of the Kingston Flyer into the future.</p>	

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Commercial Precinct	Support in part	<p>Include the Bryce land and the Crown land within the Commercial Precinct at Kingston more specifically the land identified as Sections 1 – 5, 22 – 24 Block 1 Town of Kingston, Section 1 Block XIX Town of Kingston, Part Section 12 Block 1 Town of Kingston, Part Section 13 Block 1 Town of Kingston and Lot 4 DP 318631 as shown on the plan attached as <b>Appendix 2</b>.</p>	<p>The general reasons that the Submitter only supports the specific provisions in part are that, in their current form, they:</p> <p>(a) will not implement and / or give effect to the objectives, policies, and other provisions of the relevant planning instruments, including the other strategic and more specific provisions of the PDP, as well as the Regional Policy Statement; and</p> <p>(b) are otherwise inconsistent with and / or will not achieve the purpose of the RMA and the other provisions of Part 2 of the RMA; and</p> <p>(c) fail to meet the requirements of section 32 of the RMA.</p> <p>Without limiting the generality of the reasons above, the inclusion of the other land located adjacent to the Kingston Flyer land at the north-western extent of the Kingston settlement will provide the opportunity for a comprehensive master planned development at the most appropriate part of Kingston for small scale retail, commercial, visitor accommodation and more intensive residential</p>	<p>Include the land identified as Sections 1 – 5, 22 – 24 Block 1 Town of Kingston, Section 1 Block XIX Town of Kingston, Part Section 12 Block 1 Town of Kingston, Part Section 13 Block 1 Town of Kingston and Lot 4 DP 318631 in the Commercial Precinct at Kingston, as well as amend the Commercial Precinct provisions to address the concerns expressed.</p> <p>Any other similar or alternative decision as is necessary to provide for the general outcome that is sought by the amendments requested, including the application of a new zone and / or precinct to all the relevant land.</p>



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			<p>activities centred on the Kingston Flyer commercial recreation operation.</p> <p>This will provide for the commercial activities and visitor accommodation activities at Kingston that are required to assist with supporting the local economy, reduce the need to travel significant distances for employment and provide access to local conveniences.</p>	
20.1 Purpose	Support in part	<p>Insert the following after paragraph 3 in 20.1 – Purpose of the PDP:</p> <p><b><u>The Commercial Precinct at Kingston is centred on the Kingston Flyer land. The unique amenity and historic values of the Kingston Flyer, which is a significant historic heritage and tourist resource for Kingston and the region, will be maintained and enhanced through the comprehensive development of the precinct for a mix of small-scale retail, commercial, commercial recreation, community, visitor accommodation and more intensive residential (such as terraced housing or apartments) activities. This will sustain the viability of the Kingston Flyer operation into the future.</u></b></p>	<p>The general reasons that the Submitter only supports the specific provisions in part are that, in their current form, they:</p> <p>(a) will not implement and / or give effect to the objectives, policies, and other provisions of the relevant planning instruments, including the other strategic and more specific provisions of the PDP, as well as the Regional Policy Statement; and</p> <p>(b) are otherwise inconsistent with and / or will not achieve the purpose of the RMA and the other provisions of Part 2 of the RMA; and</p> <p>(c) fail to meet the requirements of section 32 of the RMA.</p>	<p>Make the requested amendments to 20.1 – Purpose of Chapter 20 – Settlement Zone of the PDP.</p> <p>Any other similar or alternative decision as is necessary to provide for the general outcome that is sought by the amendments requested.</p>

Specific Provision	Support or Oppose	Amendments Requested	Reasons	Decision Sought
			<p>Without limiting the generality of the above, the Settlement Zone does not currently recognise the unique amenity and heritage values of the Kingston Flyer resource or the ability of appropriate future development of the Kingston Flyer land to sustain the viability of the Kingston Flyer operation into the future.</p> <p>The Settlement Zone also does not recognise the benefits associated with providing for a comprehensive master planned mixed use development at the north-western extent of the Kingston settlement that is centred around the existing Kingston Flyer structures, buildings and infrastructure, the existing Kingston Wharf and the existing Lake Wakatipu foreshore reserve.</p> <p>The provision for such development will provide for visitor accommodation and the associated commercial activities to support such accommodation (such as bars and restaurants and small-scale retail outlets) and additional residential capacity at an appropriate location within the Kingston settlement.</p> <p>These activities would be provided for in a manner that would contain development within the existing</p>	

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			<p>urban extent of Kingston; limit the change to the established character and amenity of Kingston (i.e. will not significantly dilute the ‘village feel’); ensure that development occurs in a way that is consistent with the capacity of the service infrastructure planned for Kingston; provide the required density to support the provision of reticulated wastewater and water supply services to the north-western end of Kingston; provide a diversity of living opportunities at Kingston; provide opportunities for local employment; provide opportunities to support the efficient use of land in the existing urban area of Kingston by providing an opportunity for smaller housing forms while maintaining the existing amenity values; contain the existing extent of the Kingston settlement which will limit adverse effects to the Outstanding Natural Landscapes and Outstanding Natural Features that surround the settlement; and will minimise the degradation of the value that is derived from the open rural landscapes.</p> <p>The proposed additions to 20.1 – Purpose of the PDP provide the required recognition of the benefits of providing for a comprehensive master planned mixed use development at the north-western extent</p>	

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			of Kingston, which would be implemented by the new objectives and policies requested below.	
20.2 Objectives and Policies	Support in part	<p>Insert the following new objectives and policies in 20.2 of the PDP:</p> <p><b><u>20.2.12 Objective – Comprehensive master planned mixed use development is provided for within the Commercial Precinct at Kingston to create a visitor accommodation and commercial recreation hub at Kingston that is centred on the existing resources provided by the historic Kingston Flyer railway structures, buildings and infrastructure, the Kingston wharf and the Lake Wakatipu foreshore reserve.</u></b></p> <p><b><u>Policy 20.2.12.1 Provide for a mix of small-scale retail, commercial, commercial recreation, community, visitor accommodation and intensive residential (such as terraced housing or apartments) activities within the Commercial Precinct at Kingston at a scale and intensity that is commiserate with the surrounding landscape.</u></b></p> <p><b><u>Policy 20.2.12.2 Ensure the height, bulk and location standards for mixed use development</u></b></p>	<p>The general reasons that the Submitter only supports the specific provisions in part are that, in their current form, they:</p> <p>(a) will not implement and / or give effect to the objectives, policies, and other provisions of the relevant planning instruments, including the other strategic and more specific provisions of the PDP, as well as the Regional Policy Statement; and</p> <p>(b) are otherwise inconsistent with and / or will not achieve the purpose of the RMA and the other provisions of Part 2 of the RMA; and</p> <p>(c) fail to meet the requirements of section 32 of the RMA.</p> <p>Without limiting the generality of the reasons above, the Settlement Zone does not currently recognise the unique amenity and heritage values of the Kingston Flyer resource or the ability of appropriate future development of the Kingston Flyer land to</p>	<p>Make the requested amendments to 20.2 – Objectives and Policies of Chapter 20 – Settlement Zone of the PDP.</p> <p>Any other similar or alternative decision as is necessary to provide for the general outcome that is sought by the amendments requested.</p>

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		<p><b><u>within the Commercial Precinct at Kingston provides for a greater intensity of development through the provision of three level buildings at appropriate locations.</u></b></p> <p><b><u>Policy 20.2.12.3 Limit the use of the upper levels of existing and new buildings within the Commercial Precinct at Kingston to office, visitor accommodation and residential activities.</u></b></p> <p><b><u>Policy 20.2.12.4 Provide for the ongoing operation of the historic Kingston Flyer railway including the steam locomotives, shunting engines and rolling stock within the existing railway corridor without any constraint.</u></b></p> <p><b><u>Policy 20.2.12.5 Ensure that the development of the Kingston Flyer railway land, structures and buildings is managed through the provisions for the Commercial Precinct at Kingston.</u></b></p> <p><b><u>Policy 20.2.12.6 Ensure that provision is made for subdivision around existing buildings or in accordance with approved land use consents within the Commercial Precinct at Kingston.</u></b></p>	<p>sustain the viability of the Kingston Flyer operation into the future.</p> <p>The Settlement Zone also does not recognise the benefits associated with providing for a comprehensive master planned mixed use development at the north-western extent of the Kingston settlement that is centred around the existing Kingston Flyer structures, buildings and infrastructure, the existing Kingston Wharf and the existing Lake Wakatipu foreshore reserve.</p> <p>The proposed new objectives and policies provide the required recognition of the benefits of providing for a comprehensive master planned mixed use development at the north-western extent of Kingston.</p>	

Specific Provision	Support or Oppose	Amendments Requested	Reasons	Decision Sought
20.2 Objectives and Policies - Objective 20.2.3	Support in part	<p>Amend Objective 20.2.3 in 20.2 of the PDP as follows:</p> <p>Objective – Commercial, community and visitor accommodation activities are predominantly provided for within precincts and sub-zones <b><u>(with more intensive residential activities also provided for in the Commercial Precinct at Kingston)</u></b>, are limited in scale <b><u>(with the exception of the Commercial Precinct at Kingston)</u></b>, provide for local and visitor convenience, and support the local economy.</p>	<p>The general reasons that the Submitter only supports the specific provisions in part are that, in their current form, they:</p> <p>(a) will not implement and / or give effect to the objectives, policies, and other provisions of the relevant planning instruments, including the other strategic and more specific provisions of the PDP, as well as the Regional Policy Statement; and</p> <p>(b) are otherwise inconsistent with and / or will not achieve the purpose of the RMA and the other provisions of Part 2 of the RMA; and</p> <p>(c) fail to meet the requirements of section 32 of the RMA.</p> <p>The requested amendments are consequential changes to the Settlement Zone provisions to support the implementation of the proposed new objectives and policies requested above.</p>	<p>Make the requested amendments to Objective 20.2.3 in 20.2 – Objectives and Policies of Chapter 20 – Settlement Zone of the PDP.</p> <p>Any other similar or alternative decision as is necessary to provide for the general outcome that is sought by the amendments requested.</p>
20.2 Objectives and Policies - Policy 20.2.3.1	Support in part	<p>Amend Policy 20.2.3.1 in 20.2 of the PDP as follows:</p>	<p>The general reasons that the Submitter only supports the specific provisions in part are that, in their current form, they:</p>	<p>Make the requested amendments to Policy 20.2.3.1 in 20.2 – Objectives and</p>

Specific Provision	Support or Oppose	Amendments Requested	Reasons	Decision Sought
		<p>Identify Commercial Precincts on the Planning Maps within which commercial, visitor accommodation and community activities, <b><u>and more intensive residential activities in the Commercial Precinct at Kingston</u></b>, are provided for in order to meet the day-to-day needs of residents and visitors and support the local economy.</p>	<p>(a) will not implement and / or give effect to the objectives, policies, and other provisions of the relevant planning instruments, including the other strategic and more specific provisions of the PDP, as well as the Regional Policy Statement; and</p> <p>(b) are otherwise inconsistent with and / or will not achieve the purpose of the RMA and the other provisions of Part 2 of the RMA; and</p> <p>(c) fail to meet the requirements of section 32 of the RMA.</p> <p>The requested amendments are consequential changes to the Settlement Zone provisions to support the implementation of the proposed new objectives and policies requested above.</p>	<p>Policies of Chapter 20 – Settlement Zone of the PDP.</p> <p>Any other similar or alternative decision as is necessary to provide for the general outcome that is sought by the amendments requested.</p>
<p>20.4 – Rules – Activities – Table 20.4 – Activities located in the Settlement Zone</p>		<p>Insert the following new rule into Table 20.4 – Activities located in the Settlement Zone in 20.4 of the PDP:</p> <p><b><u>20.4.7 (b) - Within the Commercial Precinct at Kingston identified on the Planning Maps: Visitor accommodation activities and residential activities - RD</u></b></p>	<p>The general reasons that the Submitter only supports the specific provisions in part are that, in their current form, they:</p> <p>(a) will not implement and / or give effect to the objectives, policies, and other provisions of the relevant planning instruments, including the other</p>	<p>Make the requested amendments to 20.4 – Rules – Activities – Table 20.4 – Activities located in the Settlement Zone of Chapter 20 – Settlement Zone of the PDP.</p> <p>Any other similar or alternative decision as is necessary to</p>

Specific Provision	Support or Oppose	Amendments Requested	Reasons	Decision Sought
		<p><b><u>Discretion is restricted to:</u></b></p> <ul style="list-style-type: none"> <li><b><u>a. the location, nature, density and scale of activities;</u></b></li> <li><b><u>b. parking, access and traffic generation</u></b> <b><u>:</u></b></li> <li><b><u>c. landscaping;</u></b></li> <li><b><u>d. signage platforms;</u></b></li> <li><b><u>e. noise;</u></b></li> <li><b><u>f. servicing;</u></b></li> <li><b><u>g. hours of operation, including in respect of ancillary activities;</u></b></li> <li><b><u>h. design, scale and appearance of buildings;</u></b></li> <li><b><u>i. location and screening of recycling and waste; and</u></b></li> <li><b><u>j. natural hazards</u></b></li> </ul>	<p>strategic and more specific provisions of the PDP, as well as the Regional Policy Statement; and</p> <p>(b) are otherwise inconsistent with and / or will not achieve the purpose of the RMA and the other provisions of Part 2 of the RMA; and</p> <p>(c) fail to meet the requirements of section 32 of the Act.</p> <p>The requested amendments are consequential changes to the Settlement Zone activity rules to support the implementation of the proposed new objectives and policies requested above and provide for the activities anticipated to be undertaken within the Settlement Zone at Kingston by these objectives and policies.</p>	<p>provide for the general outcome that is sought by the amendments requested.</p>



Specific Provision	Support or Oppose	Amendments Requested	Reasons	Decision Sought
<p>20.4 – Rules – Activities – Table 20.4 – Activities located in the Settlement Zone</p>	<p>Support in part</p>	<p>Insert the following new rule into Table 20.4 – Activities located in the Settlement Zone in 20.4 of the PDP and re-number the subsequent rules accordingly:</p> <p><b><u>20.4.5 – Use and operation of the Kingston Flyer steam locomotives, shunting engines and rolling stock on the existing railway lines and other railway infrastructure within the Settlement Zone at Kingston – P.</u></b></p> <p><b><u>For the avoidance of doubt, this activity is not required to comply with any of the Settlement Zone standards or other District Wide rules or standards.</u></b></p>	<p>The general reasons that the Submitter only supports the specific provisions in part are that, in their current form, they:</p> <p>(a) will not implement and / or give effect to the objectives, policies, and other provisions of the relevant planning instruments, including the other strategic and more specific provisions of the PDP, as well as the Regional Policy Statement; and</p> <p>(b) are otherwise inconsistent with and / or will not achieve the purpose of the RMA and the other provisions of Part 2 of the RMA; and</p> <p>(c) fail to meet the requirements of section 32 of the Act.</p> <p>Without limiting the generality of the reasons above, the Kingston Flyer railway is no longer designated in the PDP as the Submitter is not a requiring authority. This has resulted in a resource management 'hole' being created in the PDP as the existing use of the Kingston Flyer land for railway purposes is no longer recognised in the PDP.</p> <p>The continued use and operation of the existing historic Kingston Flyer railway needs to be</p>	<p>Make the requested amendments to 20.4 – Rules – Activities – Table 20.4 – Activities located in the Settlement Zone of Chapter 20 – Settlement Zone of the PDP.</p> <p>Any other similar or alternative decision as is necessary to provide for the general outcome that is sought by the amendments requested.</p>

Specific Provision	Support or Oppose	Amendments Requested	Reasons	Decision Sought
			<p>recognised and provided for in the PDP. The provision of the use and operation of the Kingston Flyer on the existing railway lines and associated rail infrastructure as a Permitted Activity in the Settlement Zone provides for the continuation of this significant historic heritage resource. This is the most efficient and effective way to ensure the ongoing protection, maintenance and enhancement of the amenity and historic values associated with the Kingston Flyer railway.</p> <p>The use and operation of the Kingston Flyer railway will not be subject to compliance with the other relevant rules and standards of the PDP as this would create uncertainty and confusion as to process given that the majority of these rules and standards will not be of any relevance to the continued use and operation of the railway. The requested amendment effectively continues the designation of the Kingston Flyer land for railway purposes given this method can no longer be used in the PDP.</p> <p>The future development of the land and / or the associated structures, buildings and infrastructure and the use of the Kingston Flyer railway as a commercial recreation activity will still require</p>	

Specific Provision	Support or Oppose	Amendments Requested	Reasons	Decision Sought
			<p>resource consent. The requested amendment will only provide for the continued use and operation of the Kingston Flyer steam locomotives, shunting engines and rolling stock on the existing railway lines and other railway infrastructure within the Settlement Zone at Kingston.</p>	
<p>20.5 - Rules – Standards – Standard 20.5.1</p>	<p>Support in part</p>	<p>Add the following exclusion to Standard 20.5.1 in 20.5 of the PDP:</p> <p><b><u>Except that this standard shall not apply to residential activities within the Commercial Precinct at Kingston. There shall be no minimum site sizes in the Commercial Precinct at Kingston. Subdivision will be provided around existing buildings or development and / or in accordance with an approved land use consent.</u></b></p>	<p>The general reasons that the Submitter only supports the specific provisions in part are that, in their current form, they:</p> <p>(a) will not implement and / or give effect to the objectives, policies, and other provisions of the relevant planning instruments, including the other strategic and more specific provisions of the PDP, as well as the Regional Policy Statement; and</p> <p>(b) are otherwise inconsistent with and / or will not achieve the purpose of the RMA and the other provisions of Part 2 of the RMA; and</p> <p>(c) fail to meet the requirements of section 32 of the RMA.</p> <p>The requested amendments are consequential changes to the Settlement Zone provisions to</p>	<p>Make the requested amendments to 20.5 – Rules – Standards of Chapter 20 – Settlement Zone of the PDP.</p> <p>Any other similar or alternative decision as is necessary to provide for the general outcome that is sought by the amendments requested.</p>

Specific Provision	Support or Oppose	Amendments Requested	Reasons	Decision Sought
			support the implementation of the proposed new objectives and policies requested above.	
Variation to Chapter 27 – Subdivision and Development – 27.7 – Zone – Location Specific Rules	Support in part	<p>Insert the following new rule into Table 27.7 – Activities in 27 – Subdivision and Development of the PDP:</p> <p><b><u>27.7.10 – Kingston</u></b></p> <p><b><u>Subdivision around existing buildings and development and / or subdivision in accordance with an approved land use consent within the Commercial Precinct at Kingston that complies with standard 27.7.10.1 and / or standard 27.10.2 – C</u></b></p> <p><b><u>27.7.10.1 Prior to subdivision around existing buildings and development occurring, all development must meet one of the following matters:</u></b></p> <p><b><u>(a) have existing use rights; or</u></b></p> <p><b><u>(b) comply with the relevant Zone and District Wide rules; or</u></b></p>	<p>The general reasons that the Submitter only supports the specific provisions in part are that, in their current form, they:</p> <p>(a) will not implement and / or give effect to the objectives, policies, and other provisions of the relevant planning instruments, including the other strategic and more specific provisions of the PDP, as well as the Regional Policy Statement; and</p> <p>(b) are otherwise inconsistent with and / or will not achieve the purpose of the RMA and the other provisions of Part 2 of the Act; and</p> <p>(c) fail to meet the requirements of section 32 of the RMA.</p> <p>Without limiting the generality of the reasons above, to ensure that design lead development outcomes are achieved within the Commercial Precinct at Kingston, there should only be minimum lot sizes for vacant site subdivisions. Subdivision within the Commercial Precinct in accordance with an approved land use resource consent and / or</p>	<p>Make the requested amendments to 27.2 – Zone – Location Specific Rules of Chapter 27 – Subdivision and Development of the PDP.</p> <p>Any other similar or alternative decision as is necessary to provide for the general outcome that is sought by the amendments requested.</p>

Specific Provision	Support or Oppose	Amendments Requested	Reasons	Decision Sought
		<p><b><u>(c) be in accordance with an approved land use resource consent.</u></b></p> <p><b><u>27.7.10.2 Any subdivision relating to an approved land use consent must comply with that consent, including all conditions and all approved plans.</u></b></p>	<p>around existing buildings and development should not be subject to any minimum lot size or shape factor standards and should be provided for as a Controlled Activity.</p> <p>The density and intensity of future development within the Commercial Precinct at Kingston will be managed through land use consent process. The subdivision consent process is effectively a mechanism to provide for the sperate legal ownership of the consented commercial units, visitor accommodation units or residential units. The likely nature of future development means the subsequent subdivision is likely to be a unit title subdivision.</p>	
<p>20.5 - Rules – Standards – Standard 20.5.7</p>	<p>Support in part</p>	<p>Add the following new exclusion to Standard 20.5.7 in 20.5 of the PDP:</p> <p><b><u>(b) Within the Commercial Precinct at Kingston buildings can be built up to the road boundary.</u></b></p>	<p>The general reasons that the Submitter only supports the specific provisions in part are that, in their current form, they:</p> <p>(a) will not implement and / or give effect to the objectives, policies, and other provisions of the relevant planning instruments, including the other strategic and more specific provisions of the PDP, as well as the Regional Policy Statement; and</p>	<p>Make the requested amendments to 20.5 – Rules – Standards of Chapter 20 – Settlement Zone of the PDP.</p> <p>Any other similar or alternative decision as is necessary to provide for the general outcome that is sought by the amendments requested.</p>

Specific Provision	Support or Oppose	Amendments Requested	Reasons	Decision Sought
			<p>(b) are otherwise inconsistent with and / or will not achieve the purpose of the RMA and the other provisions of Part 2 of the Act; and</p> <p>(c) fail to meet the requirements of section 32 of the RMA.</p> <p>The requested amendments are consequential changes to the Settlement Zone provisions to support the implementation of the proposed new objectives and policies requested above.</p>	
<p>20.5 – Rules Standards – Standard 20.5.8</p>	<p>Support in part</p>	<p>Amend Standard 20.5.8 in 20.5 of the PDP as follows:</p> <p><b><i>Continuous building length</i></b></p> <p>The length of any building façade above the ground floor level shall not exceed 16m, <b><i><u>except that within the Commercial Precinct at Kingston, the length of any building façade above the ground floor level shall not exceed 20m, without a recession or a set back being provided within building façade.</u></i></b></p>	<p>The general reasons that the Submitter only supports the specific provisions in part are that, in their current form, they:</p> <p>(a) will not implement and / or give effect to the objectives, policies, and other provisions of the relevant planning instruments, including the other strategic and more specific provisions of the PDP, as well as the Regional Policy Statement; and</p> <p>(b) are otherwise inconsistent with and / or will not achieve the purpose of the RMA and the other provisions of Part 2 of the RMA; and</p>	<p>Make the requested amendments to 20.5 – Rules – Standards of Chapter 20 – Settlement Zone of the PDP.</p> <p>Any other similar or alternative decision as is necessary to provide for the general outcome that is sought by the amendments requested.</p>

Specific Provision	Support or Oppose	Amendments Requested	Reasons	Decision Sought
			<p>(c) fail to meet the requirements of section 32 of the RMA.</p> <p>The requested amendments are consequential changes to the Settlement Zone provisions to support the implementation of the proposed new objectives and policies requested above.</p>	
<p>20.5 - Rules – Standards – Standard 20.5.10</p>	<p>Support in part</p>	<p>Add the following exclusion to Standard 20.5.10 in 20.5 of the PDP:</p> <p><b><u>Except that this standard shall not apply to steam locomotives, shunting engines and rolling stock stored or parked overnight on any site within the Commercial Precinct at Kingston.</u></b></p>	<p>The general reasons that the Submitter only supports the specific provisions in part are that, in their current form, they:</p> <p>(a) will not implement and / or give effect to the objectives, policies, and other provisions of the relevant planning instruments, including the other strategic and more specific provisions of the PDP, as well as the Regional Policy Statement; and</p> <p>(b) are otherwise inconsistent with and / or will not achieve the purpose of the RMA and the other provisions of Part 2 of the RMA; and</p> <p>(c) fail to meet the requirements of section 32 of the RMA.</p> <p>Without limiting the generality of the reasons above, the requested amendments are consequential</p>	<p>Make the requested amendments to 20.5 – Rules – Standards of Chapter 20 – Settlement Zone of the PDP.</p> <p>Any other similar or alternative decision as is necessary to provide for the general outcome that is sought by the amendments requested.</p>

Specific Provision	Support or Oppose	Amendments Requested	Reasons	Decision Sought
			<p>changes to the Settlement Zone provisions to support the implementation of the proposed new objectives and policies requested above, and to correct an anomaly that has the potential to restrict the storage and parking of the Kingston Flyer steam locomotives, shunting engines and rolling stock on the Kingston Flyer land.</p>	
<p>20.5 - Rules – Standards – Standard 20.5.13</p>	<p>Support in part</p>	<p>Insert the following new provisions to Standard 20.5.13 in 20.5 of the PDP:</p> <p>Maximum building height – buildings located within Commercial Precincts</p> <p>...</p> <p><b><u>20.5.13.2 Within the Commercial Precinct at Kingston as identified on the Planning Maps, buildings may extend up to 5m above the height specified in Rule 20.5.12.</u></b></p> <p><b><u>20.5.13.3 Within the Commercial Precinct at Kingston as identified on the Planning Maps, activities at the upper levels of buildings shall be restricted to offices, visitor accommodation and residential activities.</u></b></p>	<p>The general reasons that the Submitter only supports the specific provisions in part are that, in their current form, they:</p> <p>(a) will not implement and / or give effect to the objectives, policies, and other provisions of the relevant planning instruments, including the other strategic and more specific provisions of the PDP, as well as the Regional Policy Statement; and</p> <p>(b) are otherwise inconsistent with and / or will not achieve the purpose of the RMA and the other provisions of Part 2 of the RMA; and</p> <p>(c) fail to meet the requirements of section 32 of the RMA.</p> <p>Without limiting the generality of the reasons above, the requested amendments are consequential</p>	<p>Make the requested amendments to 20.5 - Rules - Standards of Chapter 20 – Settlement Zone of the PDP.</p> <p>Any other similar or alternative decision as is necessary to provide for the general outcome that is sought by the amendments requested.</p>



Specific Provision	Support or Oppose	Amendments Requested	Reasons	Decision Sought
			<p>changes to the Settlement Zone provisions to support the implementation of the proposed new objectives and policies requested above. In this respect, the requested amendments provide fir buildings up to three levels in height to make provision for the more intensive use of the land resource for the mix of activities requested.</p>	
<p>20.6 – Non-Notification of Applications</p>	<p>Support in part</p>	<p>Amend Rule 20.6.1 (b) in 20.6 of the PDP as follows:</p> <p>20.6.2 The following Restricted Discretionary activities shall not require the written approval ...</p> <p>b. Visitor accommodation located within a Visitor Accommodation Sub-Zone or Commercial Precinct (Rule 20.4.7) <b><u>and residential units located within the Commercial Precinct at Kingston (Rule 20.4.7 (b))</u></b></p>	<p>The general reasons that the Submitter only supports the specific provisions in part are that, in their current form, they:</p> <p>(a) will not implement and / or give effect to the objectives, policies, and other provisions of the relevant planning instruments, including the other strategic and more specific provisions of the PDP, as well as the Regional Policy Statement; and</p> <p>(b) are otherwise inconsistent with and / or will not achieve the purpose of the RMA and the other provisions of Part 2 of the RMA; and</p> <p>(c) fail to meet the requirements of section 32 of the RMA.</p> <p>The requested amendments are consequential changes to the Settlement Zone provisions to</p>	<p>Make the requested changes to 20.5 - Rules - Standards of Chapter 20 – Settlement Zone of the PDP.</p> <p>Any other similar or alternative decision as is necessary to provide for the general outcome that is sought by the amendments requested.</p>

Specific Provision	Support or Oppose	Amendments Requested	Reasons	Decision Sought
			support the implementation of the proposed new objectives and policies requested above.	

### Submission - Wāhi Tūpuna Provisions

30. Chapter 39 seeks to implement the strategic direction of Chapter 5 by:
- (a) identifying specific wāhi tūpuna areas with an overlay on the planning maps;
  - (b) setting out objectives and policies relating to subdivision, use and development within this overlay; and
  - (c) identifying recognised threats that may be incompatible with values for each specific area in Schedule 39.6 to the PDP.
31. The Kingston Flyer land appears to be identified in the wāhi tūpuna overlay. However, this area cannot be identified in Table 39.6 Schedule of Wāhi Tūpuna. Under the proposed provisions any building or structure, or Earthworks<sup>1</sup> on the Kingston Flyer land will require consent as a restricted discretionary activity with discretion restricted to “Effects on cultural values of Manawhenua”.
32. The Submitter is particularly concerned that the wāhi tūpuna provisions are not certain and may introduce unnecessary and onerous consent requirements, at least in their current form.
33. The Submitter opposes all the wāhi tūpuna provisions, at least in their current form.
34. The general reasons that the Submitter opposes the provisions are that, in their current form, they:
- (a) will not implement and / or give effect to the objectives, policies, and other provisions of the relevant planning instruments, including the other strategic and more specific provisions of the PDP, as well as the Regional Policy Statement; and
  - (b) are otherwise inconsistent with and / or will not achieve the purpose of the Act and the other provisions of Part 2 of the Act; and
  - (c) fail to meet the requirements of section 32 of the Act.

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<sup>1</sup> Although possibly not under 10 m<sup>3</sup>; the rules are not entirely clear.

35. Without limiting the generality of the above, the provisions, if adopted, may undermine the ability of the Submitter to develop land to be zoned Settlement with a Commercial Precinct (or any alternative zoning) in a way which will achieve the sustainable management of resources. They have the potential to introduce costs and complexities that are inefficient and ineffective in respect of achieving the purpose of the Act.
36. The Submitter seeks the following decision:
- (a) The wāhi tupuna overlay be removed from the Kingston Flyer land.
  - (b) In the alternative, the provisions be modified so as to meet the various concerns of the Submitter as raised in its submission, and to otherwise achieve the purpose of the Act.

### **Hearing of Submissions**

37. The Submitter wishes to be heard in support of the submissions.
38. If others make a similar submission Kingston Lifestyle Properties Ltd would consider presenting a joint case with them at any hearing.

**DATED** 18 November 2019



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Tim Grace  
**Planning Consultant for the Submitter**

The Submitter's address for service is:

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