

QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan

Report 9A

Report and Recommendations of Independent Commissioners Regarding
Chapter 7, Chapter 8, Chapter 9, Chapter 10 and Chapter 11

COMMISSIONERS

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PART A: INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Terminology in this Report

1. Throughout this report, we use the following abbreviations:

Act	Resource Management Act 1991 as it was prior to the enactment of the Resource Legislation Amendment Act 2017, unless otherwise stated
ANB	Airport Noise Boundary
ARHMZ	Arrowtown Residential Historic Management Zone
BARNZ	Board of Airline Representatives New Zealand Incorporated
Clause 16(2)	Clause 16(2) of the First Schedule to the Resource Management Act 1991
Council	Queenstown Lakes District Council
NPSET 2008	National Policy Statement for Electricity Transmission 2008
NPSREG 2011	National Policy Statement for Renewable Electricity Generation 2011
NPSFM 2011	National Policy Statement for Freshwater Management 2011
NPSFM 2014	National Policy Statement for Freshwater Management 2014
NZIA	NZIA Southern and Architecture + Women Southern
OCB	Outer Control Boundary
ODP	The Operative District Plan for the Queenstown Lakes District as at the date of this report
ONF	Outstanding Natural Feature(s)
ONL	Outstanding Natural Landscape(s)
PDP	Stage 1 of the Proposed District Plan for Queenstown Lakes District as publicly notified on 26 August 2015
Proposed RPS	The Proposed Regional Policy Statement for the Otago Region Decisions Version dated 1 October 2016, unless otherwise stated
QAC	Queenstown Airport Corporation

Reply version	The revised / changed version of the S.42A version of the relevant PDP chapter(s) recommended in the Council's reply at the conclusion of the hearing
RMA	Resource Management Act 1991 as it was prior to the enactment of the Resource Legislation Amendment Act 2017, unless otherwise stated
RPS	The Operative Regional Policy Statement for the Otago Region dated October 1998
S.42A version	The revised / changed version of the relevant PDP chapter(s) recommended in response to the submissions and further submissions by the Council through its Section 42A Reports to us
Stage 2 variations	The variations, including changes to the existing text of the PDP, notified by the Council on 23 November 2017.
Stream 6	The hearings group that included submissions to PDP chapters 7, 8, 9, 10 and 11
Stream 6A	The hearings that considered submissions to Variation 1
UGB	Urban Growth Boundary
Variation 1	Variation 1 to the PDP as publicly notified on 20 July 2016.

1.2. Topics Considered

2. The subject matter of Stream 6 was Chapters 7, 8, 9, 10 and 11 of the PDP (Hearing Stream 6). These are, collectively, the residential chapters of the PDP. It is noted that residential activities are proposed to be provided for, and have been also considered in, the hearings and reports relating to the Business and Rural zones. Hearing Stream 6A (Variation 1 – Arrowtown Design Guideline) was heard concurrently with Stream 6 but is the subject of a separate report (Report 9B).
3. The differentiation between the “residential” Chapters 7, 8, 9, 10 and 11 of the PDP and other chapters where residential activities are also provided for, is that within the residential zones, residential activities are intended to be the principal and predominant ones that eventuate. Non-residential activities are proposed, broadly, to be restricted to those that are compatible with and bring direct benefits to adjacent residents.
4. Chapter 7 seeks to manage development within the “Low Density Residential zone”. It contains objectives, policies and methods that would apply to the use and development of resources within that zone (to be spatially confirmed in subsequent mapping hearings). The notified version of Chapter 7 included the following in its explanation of the zone purpose¹:

“Fundamentally the zone provides for traditional suburban densities and housing forms. Houses will typically be detached and set on sections between 450 and 1000 square metres in area. However, the zone will also support some increased density, whether through smaller

¹ Page 7-1, PDP.

scale and low rise infill development, or larger comprehensively designed proposals, to provide more diverse and affordable housing options.”

5. Chapter 8 seeks to manage development within the “Medium Density Residential zone”. It contains objectives, policies and methods that would apply to the use and development of resources within that zone (to be spatially confirmed in subsequent mapping hearings). The notified version of Chapter 8 included the following in its explanation of the zone purpose²:

“The zone will enable a greater supply of diverse housing options for the District. The main forms of residential development anticipated are terrace housing, semi-detached housing and detached townhouses on smaller sections. The zone will realise changes to density and character over time to provide for the social, economic, cultural and environmental wellbeing of the District. In particular, the zone will provide a greater diversity of housing options for smaller households including single persons, couples, small young families and older people seeking to downsize. It will also enable more rental accommodation for the growing population of transient workers in the District.

While providing for a higher density of development than is possible in the Low Density Residential Zone, the zone utilises development controls to ensure reasonable amenity protection is maintained. Importantly, building height will be generally limited to two storeys.”

6. Chapter 9 seeks to manage development within the “High Density Residential zone”. It contains objectives, policies and methods that would apply to the use and development of resources within that zone (to be spatially confirmed in subsequent mapping hearings). The notified version of Chapter 9 included the following in its explanation of the zone purpose³:

“The High Density Residential Zone will provide for more intensive use of land within close proximity to town centres that is easily accessible by public transport, cycle and walk ways. In conjunction with the Medium Density Residential Zone, the zone will play a key planning role in minimising urban sprawl and consolidating growth in existing urban areas.

In Queenstown, buildings greater than two storeys in height are anticipated, subject to high design quality and environmental performance. In Wanaka, buildings of two storeys in height are anticipated, accounting for its less urban character, however relatively high densities are achievable. Such development will result in a greater diversity of housing supply, provide for the visitor accommodation required to respond to projected growth in visitor numbers, help support the function and vibrancy of town centres, and reduce reliance on private transport.”

7. Chapter 10 seeks to manage development within the ARHMZ. It contains objectives, policies and methods that would apply to the use and development of resources within that zone (to be spatially confirmed in subsequent mapping hearings). The notified version of Chapter 10 included the following in its explanation of the zone purpose⁴:

“The purpose of this zone is to allow for the continued sensitive development of the historic area of residential Arrowtown in a way that will protect and enhance those characteristics that make it a valuable part of the town for local residents and for visitors attracted to the town by its historic associations and unique character.

² Page 8-1, PDP.

³ Page 9-1, PDP.

⁴ Page 10-1, PDP.

In particular the zone seeks to retain the early subdivision pattern and streetscape, and ensure future development is of a scale and design sympathetic to the present character.”

8. Chapter 11 seeks to manage development within the “Large Lot Residential zone”. It contains objectives, policies and methods that would apply to the use and development of resources within that zone (to be spatially confirmed in subsequent mapping hearings). The notified version of Chapter 11 included the following in its explanation of the zone purpose⁵:

“The Large Lot Residential Zone provides low density living opportunities within defined Urban Growth Boundaries. The zone also serves as a buffer between higher density residential areas and rural areas that are located outside of Urban Growth Boundaries.

The zone generally provides for a density of one residence every 4000m². Identified areas have a residential density of one residence every 2000m² to provide for a more efficient development pattern to utilise the Council’s water and wastewater services while maintaining opportunities for a variety of housing options, landscaping and open space.”

9. As is evident from the above summary, the PDP has approached the management of residential-predominant development by way of a cascade or tier of specialised land use zones. It seems no coincidence that this is similar to the approach taken in the ODP and it thus enjoys a high level of familiarity with the community. This probably also explains the lack of submissions challenging this fundamental way of managing different types of residential activity.
10. The relevance of this approach as it relates to our decisions and recommendations is that each zone is only intended to provide for a specified range of residential activities. To this end a number of matters relating to what zone is the “best fit” for properties across the District were of recurrent interest to submitters we heard from, but are not addressed in the Stream 6 hearings. They sit properly in the separate mapping hearings and the justifications relating to the resultant zone allocation will be provided in those reports.
11. The focus of Stream 6 was therefore the ‘toolbox’ of zone provisions that would apply to each residential zone but not the spatial extent or location of those zones (nonetheless we considered the PDP zone distribution relevant to our analysis of the PDP and submissions received especially, as will be explained later, in respect of the Large Lot Residential zone at Wanaka).
12. It is also noted that subdivision activities would relate very closely with the development outcomes provided for in the land use (residential) zones. The subdivision chapter of the PDP has been addressed in a separate report (Report 7), although through the Stream 6 hearings we were mindful of the relationship between the proposed land use and subdivision provisions, and considered them throughout our deliberations.

1.3. Hearing Arrangements

13. Stream 6 matters were heard on 10 and 11 October 2016 in Queenstown, 12 October 2016 in Wanaka, and 25-27 October 2016 in Queenstown. The hearing combined all of Chapters 7, 8, 9, 10 and 11 and in consequence we heard evidence from submitters across all of the zones at the same time.
14. The parties heard from on Stream 6 matters were:

⁵ Page 11-1, PDP.

Queenstown Lakes District Council

- Sarah Scott, Legal Counsel
- Ulrich Glasner, Engineer
- Stephen Chiles, Acoustician
- Philip Osborne, Economist
- Garth Falconer, Urban Designer
- Amanda Leith, Planner and author of the Section 42A Reports for Chapters 7, 8, and 11
- Kimberly Banks, Planner and author of the Section 42A Report for Chapter 9
- Rachel Law, Planner and author of the Section 42A Report for Chapter 10

David Barton⁶

- Ian Greaves, Planner

Plaza Investments Ltd⁷

- Ian Greaves, Planner

Varina Propriety Ltd⁸

- Ian Greaves, Planner

New Zealand Transport Agency⁹

- Tony MacColl, Planner

Matt Suddaby¹⁰ and C Hughes and Associates Ltd¹¹

- Matt Suddaby, Surveyor

Peter Bullen¹²

Loris King¹³

Nic Blennerhassett¹⁴, Blennerhassett Family Trust¹⁵

- Nic Blennerhassett

Universal Developments Ltd¹⁶

- Dan Curly
- Tim Williams, Planner and Urban Designer
- Warwick Goldsmith, Counsel

Land and Infrastructure Management Ltd¹⁷

6 Submission 269
7 Submission 551
8 Submission 591
9 Submission 719
10 Submission 33
11 Submission 448
12 Submission 47
13 Submission 230
14 Submission 335/Further Submission 1285
15 Submission 487
16 Submission 177
17 Submission 812

- Duncan White, Planner

Nick Mills¹⁸, Bridget Rennie¹⁹, Myffie James²⁰, Jo Mills²¹, Anna Mills²², and John Coe²³

- Duncan White, Planner

MR & SL Burnell Trust²⁴

- Julie Rickman

Pounamu Body Corporate Committee²⁵

- Rebecca Wolt, Counsel
- Tim Walsh, Planner

Panorama Trust / Gordon Sproule (Trustee)²⁶

- Gordon Sproule

Southern District Health Board²⁷

- Warren Taylor
- Julie McMinn, Planner

Willum Richards Consulting Ltd²⁸ and Deborah Richards²⁹

- Willum Richards

Queenstown Airport Corporation³⁰

- Rebecca Wolt, Counsel
- John Kyle, Planner

Otago Foundation Trust Board³¹

- Alyson Hutton, Planner

Arcadian Triangle Ltd³²

- Warwick Goldsmith, Counsel

New Zealand Fire Service³³

- Keith McIntosh
- Ainsely McLeod, Planner

18	Further Submission 1332
19	Further Submission 1207
20	Further Submission 1198
21	Further Submission 1140
22	Further Submission 1126
23	Further Submission 1110
24	Submission 427
25	Submission 208/Further Submission 1148
26	Submission 64
27	Submissions 649 and 678
28	Submission 55
29	Submission 92
30	Submission 433/Further Submission 1340
31	Submission 408
32	Submission 836
33	Submission 438/Further Submission 1125

Middleton Family Trust³⁴

- Nicholas Geddes, Planner

Body Corporate 22362³⁵, **Sean and Jane McLeod**³⁶

- Sean McLeod

Lynn Campbell³⁷

Sue Knowles, Angela Waghorn and Diane Dever³⁸

Board of Airline Representatives New Zealand Incorporated³⁹

- Gill Chappell, Counsel
- John Beckett
- Eric Morgan, Aviation Consultant

Antony and Ruth Stokes⁴⁰

- Antony Stokes

Estate of Normal Kreft⁴¹; **Wanaka Trust**⁴²

- Vanessa Robb, Counsel
- Jane Rennie, Urban Designer

Scott Freeman & Bravo Trustee Company Ltd⁴³

- Scott Freeman

Erna Spijkerbosch⁴⁴

NZIA Southern and Architecture + Women⁴⁵

- Gillian McLeod

DJ and EJ Cassells, The Building Family, The Bennett Family, M Lynch⁴⁶; **Friends of Wakatipu Gardens and Reserves**⁴⁷

- Rosie Hill, Counsel
- Jay Cassells

³⁴ Submission 336
³⁵ Submission 389
³⁶ Submission 391
³⁷ Submission 420
³⁸ Submissions 7, 76, 77, and 193
³⁹ Submission 271/ Further Submission 1077
⁴⁰ Submission 575
⁴¹ Submission 512/Further Submission 1300
⁴² Submission 536
⁴³ Submission 555
⁴⁴ Submission 392/Further Submission 1059
⁴⁵ Submission 238
⁴⁶ Submission 503/Further Submission 1265
⁴⁷ Submission 506

Mount Crystal Ltd⁴⁸

- Sean Dent, Planner
- Tim Williams, Planner and Urban Designer

15. In addition, the following parties tabled evidence but did not appear at the hearing:
- Coherent Hotels Ltd⁴⁹
 - Fritz and Heather Kaufmann⁵⁰
 - Sue Wilson⁵¹
16. A substantial number of written submissions and further submissions were also made on the various residential chapters and have also been considered in our deliberations.
17. We note that a number of the above attendees presented information that on occasion related to the separate mapping hearings. These submitters were advised that they would have opportunity to present their arguments in support of the relief they sought during those hearings.

1.4. Procedural Steps and Issues

18. The hearing of Stream 6 proceeded on the basis of the general pre-hearing directions made in the memoranda summarised in the Introductory Report. We note that these directions were generally followed.
19. Due to the pre-circulated evidence, the Council’s experts had the opportunity in discussion with us to provide further analysis or comments. On this basis, some experts called by submitters used their time before us to provide supplementary or additional commentary. The most explicit such analysis came from Sean Dent and Tim Williams on behalf of Mount Crystal Ltd⁵². We accepted this further discussion as it was helpful to narrow down areas of disagreement or technical assumption between experts.
20. We refer readers of this report to the Council website which has full written copies and electronic recordings of the hearings. All information presented to us, including the answers provided by attendees and expert witnesses to our questions, are available. We also refer to the minutes and decisions associated with the mapping hearings, which included discrete matters proposed within the residential zones that were deferred to those hearings.

1.5. Stage 2 Variations

21. On 23 November 2017 the Council notified the Stage 2 variations. This included provisions relating to visitor accommodation to be included in each zone, plus Chapters 25 (Earthworks), 29 (Transport) and 31 (Signs), being part of Stage 2 of the District Plan Review.
22. As, in terms of Clause 16B of the First Schedule to the Act, the variations are merged with the PDP from the date of notification, we have incorporated the relevant provisions into text appended to this recommendation report. In each case we have shown the amendments in italics to distinguish them from our recommended text. These amendments do not form part of our recommendations.

⁴⁸ Submission 150
⁴⁹ Submission 699/Further Submission 1172
⁵⁰ Submission 68
⁵¹ Submission 58
⁵² Submission 150

2. STATUTORY CONSIDERATIONS

23. The Hearing Panel's Report 1 contains a general discussion of the statutory framework within which submissions and further submissions on the PDP have to be considered, including matters that have to be taken into account, and the weight to be given to those matters. We have had regard to that report when approaching our consideration of submissions and further submissions on the matters before us.
24. While the legal obligations discussed in Report 1 are on the Council in its capacity as the decision maker on the final form of the PDP, we have put ourselves in the Council's shoes, as if we were subject to those same obligations, when determining what recommendations we should make to Council. Our report is framed on that basis, both for convenience, and to avoid confusion regarding the various roles the Council has in the process.
25. The Section 42A Reports provided us with a general overview of the matters of relevance to our deliberations, including summaries of the provisions of the RPS and the Proposed RPS. Planning witnesses appearing on behalf of submitters were also asked questions in respect of the statutory considerations relevant to their client(s) that we should consider.
26. Two particularly important sections of the Act relevant to our work are sections 32 and 32AA. These set out requirements for the analysis and reporting of our evaluation of planning options. In Report 1 we set out our overall approach to these sections. In summary, for the residential sections we have taken the Council's reports, all submissions and further submissions, and associated evidence provided to us at the hearings including the Council's right of reply, as part of the body of section 32 analysis and evaluation.
27. While the commentary that follows in this report will provide our overall findings and reasons, we refer to the body of information we received in its totality as evidence of the work undertaken to identify the most appropriate objectives to achieve the purpose of the act, and the most appropriate policies and methods (including rules) to implement the objectives.

3. COMMENTARY ON SUBMISSIONS, EVIDENCE AND ISSUES RAISED

28. We heard submitters on the basis of their availability and time needs. We did not hear all submissions relevant to each chapter sequentially.
29. The Section 42A Reports formed the basis for our approach to and consideration of the submissions and further submissions as a whole. Each of Chapters 7, 8, 9, 10 and 11 had a different Section 42A Report prepared. Each Section 42A Report had an analysis and discussion of submissions and further submissions with reference to the additional conclusions of subject matter experts as required, recommended decisions, and of key note a track-change version of the notified chapter with recommended text changes (these formed Appendix 1 to all of the Section 42A Reports). The reports also included section 32 and section 32AA analysis to support, in the view of the Section 42A Report authors, their recommendations. In turn, the commentary and evidence provided to us via pre-circulation and at the hearings responded to the Section 42A Report and in particular what we have termed the 'S.42A version' of the PDP.
30. We also acknowledge that at the conclusion of the hearing the Council provided a written reply. The reply included further recommendations to us including further section 32AA analyses. We have referred to this as the 'Reply version' of the PDP.

31. The S.42A and Reply versions of the provisions do not have the statutory status of the notified PDP provisions, however given the extent of renumbering and new provisions proposed by the Council to us across the hearings we have found it necessary to make these distinctions so that users can track our analysis and findings. To complete this matter, we lastly note our distinction of the provisions and numbering we recommend as 'our recommended version' of the PDP provisions. These are the provisions attached to this notice as **Appendices 1, 2, 3, 4 and 5**.
32. We note at the outset that we heard from, in the context of the PDP and its significance, a very small number of submitters. The overall tenor of the written submissions and the submitters that attended the hearings, was one of general acceptance or agreement with the PDP approach to the residential zones. There was limited reference to case law or other legal argument put to us; most technical debate was related to potential effects and opinions on grammatical preference. We surmised that because the PDP is a Plan review, rather than attempt to 'reset' a new plan from scratch (such as occurred recently with the Auckland Unitary Plan), the fundamental principle of residential zones was regarded as working well and not in need of fundamental overhaul.
33. The issues raised in the written submissions and at the hearings were, on the whole, issue-specific or site-specific, and often provision-specific. In this respect, we record our appreciation to the submitters for being so explicit.
34. The relevance of this is to note that the absence of a serious challenge to the fundamental residential zone framework (Chapters 7, 8, 9, 10 and 11 as a whole), or evidence that the proposed framework was defective or missing anything significant, were key factors in our deliberations and the conclusions we ultimately reached.
35. The closest consistent potential omission raised was whether or not the PDP residential zones, notably the medium and high density residential zones, should include development design guidelines. Our findings on that matter will be discussed below, but even on this issue we consider that the question raised was not whether or not the PDP had or had not identified all relevant resource management issues and environmental effects through the proposed policy framework; it was a question of whether the proposed methods to implement the framework were the most appropriate. That is ultimately a matter of, at most, refinement to the PDP's core direction rather than one of fundamental reconsideration. We note on this particular matter that the Council has advised us that it intends to introduce design guideline provisions to the Residential zones by way of a separate Variation.
36. We also made inquiries relating to the Council's withdrawal of visitor accommodation provisions (particularly in relation to the written submission of Totally Tourism Ltd⁵³), however the consequence of this for the PDP was helpfully clarified by the Council in its written reply at the conclusion of the hearing. We note that the Council has now introduced visitor accommodation provisions to the residential zones by way of the Stage 2 variations.
37. But overall, our approach to the residential chapters became one of largely editing and balancing the discrete issues raised by the individual submitters than of weighting a more fundamental issue of supporting or opposing the broad framework.

⁵³ Submission 571

38. Our first principal finding is therefore that we accept and agree that the Plan should contain a series of chapters providing for and managing tiers or groupings of residential-predominant activities on the basis of a Large Lot Residential, Low Density, Medium Density, High Density, and Arrowtown Residential Historic Management zone framework proposed by the Council, but subject to individual refinements set out below. We find that the Council's justification for this approach is well-grounded in the ODP and will most appropriately enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety.
39. We find that the lack of concerted or consistent opposition to this fundamental framework for managing the residential areas of the District (including the question of whether there should even be residential-predominant areas or dedicated land use zones within the district) reflects a high degree of community acceptance with the Council's approach.

3.1. Scope of Submissions

40. The written submissions and further submissions made on Chapters 7, 8, 9, 10 and 11 varied substantially in terms of comprehensiveness, explicitness, and detail. Some submissions identified specific provisions of concern and proposed specific changes to those provisions. Others addressed more generalised effect categories or principles either without direct reference to particular provisions, or without being limited to just the provisions identified as examples.
41. We have considered how to address the question of scope for us to recommend changes to the provisions in response to the submissions and further submissions. The demands of natural justice and accepted principles for determining scope require us to consider whether or not a reasonably informed person could anticipate the extent of changes that could result to the PDP provisions as a result of a submission or further submission. But we find that this would be too rigidly and inappropriately interpreted as only allowing changes to provisions that were explicitly identified within a submission or further submission. We are also mindful that it would be unreasonable, and exclusionary in a manner that would not be consistent with the promotion of sustainable management, to expect each submitter to be able to articulate sophisticated resource management expertise as a pre-requisite to participation.
42. In the context of a whole-of-Plan review, where all submitters are plainly informed of the opportunity for any and all aspects of the Plan to be revisited, we find that submissions and further submissions that identify general but clear issues and/or outcomes sought but do not identify explicit provisions that should be changed or explicit changes to those provisions, have given us scope to make consequential or other changes to the notified provisions on the basis of our analysis of the facts and evidence before us.
43. We have applied this on a case by case basis and there are a number of instances where we have identified a lack of scope for us to make the changes we would have otherwise recommended.
44. We also acknowledge that many recommendations we have made do not relate to specific submissions, but are minor and can be made under Clause 16(2). These recommendations are, for the most part, necessary clarifications to improve the consistency and coherence of the Plan provisions.
45. Where we recommend a change that would qualify under either or both of the scope of submissions or further submissions, or Clause 16(2), we have identified each authority. This is

on the basis of our finding that a notified Plan provision can be justified simultaneously for each of these reasons rather than only requiring or being allowed by either one.

3.2. Background to Residential Zones

46. As noted earlier, the ODP contains a number of residential zones that manage different ‘tiers’ of residential-predominant development largely on the basis of dwelling density and spatial location within broader settlement patterns. A hallmark of the ODP is the principle of a low density, medium density and high density zone framework to manage the majority of dwellings in the district (measured primarily by dwelling numbers, not necessarily land area). The distribution of these zones adheres generally to the “centres-based” approach to urban planning predominant in all of the major urban areas of New Zealand. This approach underpins the PDP, although as noted earlier the specific spatial allocation of the different zones was not the purpose of this stream of hearings.
47. The PDP has been quite clearly premised on a ‘revise and streamline’ approach to the ODP (our words), and in our view this is a reasonable approach given how much of the proposed residential zones relate to land that has already been subject to residential development. Changing the planning basis on which the majority of the population has already adapted to and made significant household investment decisions on should be approached with some caution as we see the section 5 goal of helping people to provide for their social and economic wellbeing. One could liken it to the principle of pulling the rug from under one’s feet.
48. The planning witnesses called on behalf of the Council and who wrote the Section 42A Reports (and subsequent Council reply recommendations), namely Ms Amanda Leith (Chapters 7, 8, and 11), Ms Kimberly Banks (Chapter 9) and Ms Rachel Law (Chapter 10) were not involved in the drafting of the PDP. While this limited their ability to describe to us the rationale or assumptions behind many of the proposed provisions we found that this did not significantly impair our ability to make decisions on the submissions. We also appreciate that their lack of previous involvement gave them a possibly greater degree of separation and impartiality than might have otherwise been the case when they considered the merits of submissions to change the notified provisions. In that regard we found Ms Leith’s approach particularly, and very helpfully, fresh.

3.3. Format of Our Report

49. As we explain below, there is a commonality of section numbering, and of objectives, policies and rules across all five chapters. Rather than considering each chapter separately, in this Report we consider the matters before us section by section, and within each section, by chapter. This enables us, when the same provision occurs in more than one chapter, to ensure and demonstrate a consistent approach across all chapters, unless the context requires a different approach.
50. The attached Appendices include our recommended chapters (Appendices 1 to 5) and a list of submission and further submission points with our recommendations.

PART B: CHAPTERS 7, 8, 9, 10 AND 11 – OVERVIEW

4. PURPOSE AND POLICY FRAMEWORK

51. Chapters 7, 8, 9, 10 and 11 follow a common drafting template, which we understand is to provide consistency and aid the interpretation and use of the Plan. As will be seen in the detail of many of our recommendations, we have found that the certainty and reliability benefits that consistent and horizontally integrated zone chapters provide the community are substantial.
52. As notified, Chapters 7, 8, 9, 10 and 11 contain a Zone Purpose (in X.1, where 'X' is a placeholder for 7.1, 8.1, 9.1, 10.1 and 11.1 respectively). From there, section X.2 sets out the objectives and supporting policies for each chapter. The PDP has organised policies against individual objectives rather than as a collective set. The objectives and policies are followed at X.3 by reference to other rules and chapters of the PDP relevant to development within each zone.

5. RESOURCE CONSENT RULES

53. Notified Chapter X.4 sets out "activity rules", which amounts to an allocation of resource consent activity status (pursuant to section 77A of the Act) for different land use activity categories. The number of such rules varies between the chapters. For controlled and restricted discretionary activities, the rules include, as appropriate, reservations of control and matters of discretion.
54. Chapter X.5 then sets out "activity standards" whereby in general a parameter for permitted activities is provided, such as maximum building height, followed by a resource consent activity status where the standard is proposed to be contravened. For controlled and restricted discretionary activities, the rules include, as appropriate, reservations of control and matters of discretion. Chapter X.6 lastly provides rules governing non-notification of specified activities.
55. Unlike many 'generation 1' resource management plans, the notified Chapters 7, 8, 9, 10, and 11 propose to dispense with numerous explanations, assessment matters or criteria to help guide the consideration of resource consent applications. We have no inherent view on this and note that while the Act specifies the instruments of objectives, policies and rules, nowhere does it mention 'assessment criteria' (or any variant). We understand that the Council's intent has been to craft objectives, policies, reservations of control and matters of discretion that are sufficiently clear and focused that applications can be considered directly against them without the need for an additional tier of guidance.
56. Overall, the structure and content of each zone is otherwise unremarkable. While specific to the District, the notified provisions strike a familiar note with how many other district plans have been constructed.

PART C: SECTIONS 7.1, 8.1, 9.1, 10.1 AND 11.1 – ZONE PURPOSE

6. PREAMBLE

57. The zone purpose, which is similar to that provided at the start of every PDP chapter, is effectively a form of explanation summarising the objectives, policies and rules that follow. The purpose statements do not, as far as we can ascertain, have any resource management status as either an objective, policy, or rule; and are subordinate to those provisions that follow. The key consequence of this is that the content of the zone purpose statements should change dependent on and to match the content of the objectives, policies and/or rules we find most appropriate – not the other way around.
58. The zone purpose therefore amounts to an administrative aid for plan users akin to an advice note that summaries the key role(s) played by each zone in the context of the Plan as a whole. The purpose statements could be considered in a regulatory sense (but we suspect only to a very limited extent), under the broad umbrella of s.104(1)(b) when considering the merit of resource consent applications for discretionary and non-complying activities – but not s. 104D(1)(b) in respect of the latter status. But overall, we find that the zone purpose summaries must be treated as an “other method” for the purposes of a section 32 and section 32AA analysis. One consequence of this is that we must consider the zone purpose statements in terms of the extent to which they achieve the Plan’s objectives (and policies) - not the extent to which they achieve the purpose of the Act. To that end, although this report has been written to follow the front-to-back sequence of each chapter, we considered the zone purpose for each zone after we had concluded our consideration of objectives, policies and rules.
59. We accept that a short summary outlining what the zone is seeking to achieve is helpful to plan users. Although not a requirement within district plans under Part 5 of the Act, we agree that in consideration of each chapter and its place within a broader and complex planning document, the zone purpose section is an appropriate inclusion. They also help plan users very quickly ascertain the key differences between the residential zones without having to dwell on what may at times be subtle nuances of activity status or technical rule requirement between those zones. We find that including the purpose statements, provided that they accurately and evenly summarise the outcomes enabled in each zone, will make administration of the District Plan more effective and efficient primarily through enhanced ease of use and simplicity. We emphasise the direct consequence of our previous sentence: the zone purpose statements should describe the outcomes that the provisions enable, not what may characterise the existing environment today.
60. We lastly note that very few submissions related to the proposed zone purpose statements.

7. Section 7.1 Purpose

61. In Ms. Leith’s Section 42A Report, she agreed with points made by Southern District Health Board⁵⁴ and the Ministry of Education⁵⁵ in terms of clarifying the phrase “community activities and facilities” to simply state “community activities” (on the basis that the word ‘activities’ inherently includes facilities). This was a matter that flowed through the objectives and policies also.

⁵⁴ Submission 678

⁵⁵ Submission 524

62. The only other change to the purpose recommended by Ms Leith was a clarification, changing the word “sections” to “sites”.
63. In our evaluation of the zone purpose we find that the changes recommended by Ms Leith are logical improvements to the notified text and we agree with them. We also consider that the final sentence in the section, which is a note advising that rule 7.5.14 has immediate legal effect (from the date the draft plan was notified), should not sit in the zone purpose as it is not related to the zone purpose. But in any event, when the notified Plan becomes an operative Plan, the sentence would become redundant and should be removed.
64. We had some difficulty, across all of the residential zones, appreciating what was meant by the phrase “low density”, given that it has been used to describe the Chapter 7 zone but also the Large Lot Residential zone (Chapter 11)⁵⁶. Ms Leith’s response through the Council’s reply was to propose removing reference to ‘low density’ from the Chapter 11 zone purpose and replacing it with ‘peri-urban’⁵⁷, and leaving the Low Density Residential zone wording as it stood on the matter in Chapter 7.
65. We do not agree that the densities provided for within the Chapter 7 Low Density Residential zone can in many cases be factually described as what a typical and reasonably informed person would associate with “low density”. Through the zone’s proposed consent pathways densities similar to that proposed to be enabled by the Medium Density Residential zone would be possible. For example, notified Rule 7.5.6 provides for individual dwelling densities of 1 unit per 300 square metres. While that rule has exceptions, it is still a general rule that would apply across the zone; it cannot be interpreted as being intended to only apply to a small minority of sites within the zone or otherwise be a ‘special case’.
66. Furthermore, the interrelationship with the recommended subdivision controls (Chapter 27) is that if a land use consent was first granted for such a 300 square metre site density, then subdivision around that smaller site area was a relatively straight forward process⁵⁸. In addition, on those potential 300 square metre sites, the PDP also enables an additional residential flat (although subject to exceptions). While not subdividable from the residential unit, such residential flats could accommodate a compact 2-bedroom unit that could be independently occupied. This would achieve a net household density of up to 1:150 square metres within a subdivision title density of 1:300 square metres. To reiterate, we do not agree that this outcome can be reasonably said to be a low density outcome. To that end we consider that the notified zone purpose incorrectly references the typical densities of the existing environment that predominates today rather than the wider range of outcomes the zone provisions seek to enable over the life of the Plan. This is not helpful from the point of view of soundly administering the new Plan.
67. We accept that there is an intended striation between the three ‘principal’ residential zones, being the Low Density, Medium Density and High Density zones, and that the Low Density zone provides for, overall, the lowest densities of these. On consideration of how the Plan can be understood and administered by the community, we have come to the view that the most appropriate outcome would be for the zone to be re-named to more accurately depict the outcomes that it is intended to accommodate (also being mindful of the “low density” promoted separately in the Large Lot Residential zone, and which we do consider can and should be described as “low density”).

⁵⁶ See the notified zone purpose for the Large Lot Residential zone at chapter 11.1

⁵⁷ See the Reply version of chapter 11 text, chapter 11.1

⁵⁸ See subdivision [Rule 27.7.14.1](#)

68. We find that on the basis of the provisions we find are most appropriate, the zone should be re-named “Lower Density Suburban Residential zone”. This is a more accurate depiction of the full range of outcomes the zone is intended to provide for or manage. The word “lower” has a relativistic dimension that the more absolute word “low” did not in comparison to the other zones, and which allows the relatively higher density outcomes enabled within the zone to still be respected within the purpose. The word “suburban” in our view helps give a context to what “lower” might refer to (compared to the uniformly low density Large Lot Residential zone), and in our view relates well to the everyday description of the existing predominantly detached dwellings the zone enables. We find that this change qualifies as a Clause 16(2) change and needs no further justification. This follows through to changes to the first and second paragraphs becoming necessary and we have made these changes to ensure the explanation is consistent in reflecting both the existing and future environment enabled within the zone.

69. In overall consideration of the zone purpose, we find that on the basis of the above, the third and fourth paragraphs are suitable and no further changes are justified other than a minor correction that the zone does not “discourage” commercial activity; it enables residential-compatible, small-scale outcomes that help residents meet their daily needs.

70. Our recommended changes to the zone purpose are:

The Lower Density Suburban Residential Zone is the largest residential zone in the District. The District Plan includes such zoning that is within the urban growth boundaries, and includes land that has already been developed as well as areas that will continue to be developed over time.

Fundamentally the zone provides for both traditional and modern suburban densities and housing forms. Houses will typically be one to two storeys in height, detached and set on sites between 450 and 1000 square metres in area. In addition, and to help meet the needs of the community, the zone also enables increased density by allowing sites down to 300 square metres in area and larger comprehensively designed developments. In addition, non-subdividable residential flats that can be occupied by an independent household are enabled. The overall range of net household densities (including residential flats) could be as high as 1 unit per 150 square metres or as low as 1 unit per 1,000 square metres (or even less). The zone will help to provide a more diverse and affordable housing stock within the District.

Community activities are anticipated in the zone provided adverse effects can be suitably addressed, as these activities are often best located within the residential communities they serve. Home occupations are also provided for.

Commercial activities are generally not anticipated other than those that are residential-compatible and small-scale, however may be accommodated where necessary to address a demonstrated local need provided residential amenity is not compromised.

71. We find that the changes to the notified and S.42A versions of the section described above will be the most appropriate overall way to ‘set the scene’ for the statutory provisions that follow.

8. Section 8.1 Purpose

72. In Ms. Leith’s Section 42A Report, limited changes to the notified zone purpose were recommended. These related to submissions made from Reddy Group Ltd⁵⁹, P Roberts⁶⁰, R Jewell⁶¹, P Winstone⁶², D & V Caesar⁶³, M Lawton⁶⁴, Dato Tan Chin Nam⁶⁵, and Hurtell Holdings Ltd, Landeena Holdings Ltd, and Shellmint Proprietary Ltd⁶⁶. In summary, the changes amounted to a removal from the purpose of a sentence relating to environmental performance and sustainable design; a change in emphasis on urban design outcomes from “adhering” to “achieving” (intended to remove emphasis on rule compliance without removing the proposed policy emphasis); and to recognise planned infrastructure networks in addition to those that may exist at the time of a development.
73. In our consideration of the zone purpose, and taking into account the changes we have determined are most appropriate to the objectives, policies and rules that follow, we find that the changes proposed by Ms Leith are the most appropriate on the basis that they better reflect the content of the objectives, policies and rules and are hence more administratively effective.
74. We have furthermore recommended other minor text changes to better highlight the outcomes enabled by the zone. We have also recommended reference be made to the re-named Chapter 7 for consistency. We have recommended these changes as Clause 16(2) clarifications.
75. Of note, we have recommended changing the fourth paragraph. As notified and proposed to remain unchanged in Ms Leith’s S.42A version, the Plan described that development controls were used in the zone to, amongst other things, “*ensure reasonable amenity protection is maintained.*”⁶⁷ We find that this is a muddled statement that is not factual. The zone rules provide for the reasonable maintenance of amenity values for users of neighbouring properties around a development site, with any rule contraventions to be tested by way of an application for land use consent. We find that the word “protect” (even when prefaced by the undefined quantifier “reasonable”) strongly implies that new development will have very limited or no adverse effects on the amenity values currently enjoyed by neighbours and is in this respect likely to lead to administrative uncertainty.
76. The rules, policies and objectives we have found are the most appropriate provide for substantial change on sites within the zone. For neighbours adjacent to sites undergoing this change, and in potentially many cases, there will be a diminishment of the amenity values enjoyed by those neighbours today, and which those neighbours will often perceive as being adverse. This in turn places too great an emphasis on the meaning of the word “reasonable” when a Plan administrator is seeking to identify exactly what qualities should be “protected” (which then becomes close to a requirement that adverse effects be avoided or substantially mitigated) in the face of change.

⁵⁹ Submission 699
⁶⁰ Submission 172
⁶¹ Submission 300
⁶² Submission 264
⁶³ Submission 651
⁶⁴ Submission 117
⁶⁵ Submission 61
⁶⁶ Submission 97
⁶⁷ Notified PDP Chapter 8.1

77. The word “protect” should be limited to circumstances where the degree of change anticipated by the Plan is negligible such that the existing environment is intended to be conserved.
78. We have recommended these changes as Clause 16(2) clarifications. We are otherwise in agreement with Ms Leith’s Section 42A Report recommendation that the balance of the zone purpose statement is suitable.
79. Our recommended changes to the zone purpose are:

The Medium Density Residential Zone has the purpose of providing land for residential development at greater density than the Lower Density Suburban Residential Zone. In conjunction with the High Density Residential Zone and Lower Density Suburban Residential Zone, this zone will play a key role in minimising urban sprawl and increasing housing supply.

The zone will primarily accommodate residential land uses, but may also support limited non-residential activities where these enhance residential amenity or support an adjoining Town Centre, and do not impact on the primary role of the zone to provide housing supply.

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

The zone will enable a greater supply of diverse housing options for the District. The main forms of residential development anticipated are terrace housing, semi-detached housing and detached townhouses on small sites of 250m² or greater. The zone will undergo changes to existing densities and built form characteristics over time to provide for the social, economic, cultural and environmental wellbeing of the District’s community. In particular, the zone will provide a greater diversity of housing options for smaller households including single persons, couples, small young families and older people seeking to downsize. It will also enable more rental accommodation for the growing population of transient workers in the District.

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

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

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

80. We find that the changes to the notified and S.42A versions of the section described above will be the most appropriate overall way to ‘set the scene’ for the statutory provisions that follow.

9. Section 9.1 Purpose

81. In Ms Banks’ S.42A version, no changes to the zone purpose statement were proposed (noting that text in the notified version relating to visitor accommodation had been removed by way of Council withdrawal of those provisions⁶⁸). However, throughout her Section 42A Report reference was made in the evaluation of submissions to the zone’s “purpose”.

82. We wish to comment on the phrasing used by Ms Banks in her s. 42A report. In numerous cases her analysis⁶⁹ described how changes to the provisions sought by submitters could result in the “zone purpose” being compromised. As has been previously discussed, the zone purpose statements are not objectives or policies or rules for each zone and cannot as such be literally “compromised”. We have interpreted from the overall content of Ms Banks’ analysis that where she has made such comments, she is referring to outcomes that would undermine the zone objectives and policies as a whole, rather than the zone purpose statement at Section 9.1.

83. Notwithstanding Ms Banks’ recommendation that the Chapter 9 zone purpose remain unchanged, we have identified a number of changes that would improve the directness and clarity of the statement. For example, a sentence in the notified third paragraph states that:

“development in the zone will facilitate good non-vehicular connections and access to high quality public open space”⁷⁰. We do not find the word “good” to be useful and recommend it be replaced with “effective”.

84. We also consider it necessary to bring the statement into line with the other residential zones by being clearer in its description of the higher-density types of housing enabled within the zone (notably low-rise apartments and terraced housing).

85. Our recommended changes to the zone purpose are:

The High Density Residential Zone provides for the efficient use of land within close proximity to town centres that is easily accessible by public transport, cycle and walk ways. In conjunction with the Medium Density Residential Zone, the zone plays a key planning role in minimising urban sprawl and consolidating growth in existing urban areas.

In Queenstown, the High Density Residential zone enables taller buildings than in the other residential zones, subject to high design quality. In Wanaka, lower building heights are anticipated, accounting for its distinctive character, however relatively high densities are still achievable. Such development will result in a greater diversity of housing supply, provide for the visitor accommodation required to respond to projected growth in visitor numbers, help support the function and vibrancy of town centres, and reduce reliance on private transport. Over time, low-rise apartments and terraced housing are envisaged to become commonplace within the zone.

Development in the zone will facilitate effective non-vehicular connections and access to high quality public open space.

⁶⁸ On 25 November 2015

⁶⁹ For example, at paragraph 9.2 of the s.42A report

⁷⁰ Notified PDP Chapter 9.1

Development controls provide minimum protections for existing amenity values, and are otherwise prioritised towards enabling the community's wellbeing by promoting growth and development. Given the focus on intensification, moderate to substantial change is anticipated including to both public and private views as the character of land within the zone develops into one that is characteristically urban.

Small scale commercial activities are enabled, either to support larger residential and visitor accommodation developments, or to provide low impact local services.

Small-scale community facilities are anticipated, given the need for community activities within residential areas. However, large scale community facilities are not anticipated as this will reduce the effectiveness of the zone at its primary purpose of accommodating housing.

86. Our justification for the changes above is that for the zone purpose statements to be effective it is imperative that they are correct in summarising the essence of the objectives, policies and rules. We find that the changes we recommend are necessary to ensure that this occurs. We also, therefore, find that the changes to the notified and S.42A versions of Section 9.1 identified above will be the most appropriate overall way to 'set the scene' for the statutory provisions that follow.
87. We have recommended these changes as Clause 16(2) clarifications.

10. Section 10.1 Purpose

88. In Ms Law's Section 42A Report she recommended no changes to the notified zone purpose (noting that notified visitor accommodation provisions had been removed by way of Council withdrawal⁷¹). Our review of the submissions is that the zone purpose was not the focus of any submission and was accepted by the substantial majority of submitters as appropriate.
89. We find that given the specialised nature of this zone the notified purpose is largely adequate. We have however recommended changes to the fourth paragraph to be clearer about the role of residential flats within the zone on the basis of changes proposed by the Council to provide for these as a 'sub-activity' inherently part of a residential unit.
90. Our recommended changes to the zone purpose are:

This zone covers the older part of the residential settlement of Arrowtown. The area has a distinctive character and atmosphere which has evolved from the development pattern set at the time of early gold mining in the District.

The purpose of this zone is to allow for the continued sensitive development of the historic area of residential Arrowtown in a way that will protect and enhance those characteristics that make it a valuable part of the town for local residents and for visitors attracted to the town by its historic associations and unique character.

In particular the zone seeks to retain the early subdivision pattern and streetscape, and ensure future development is of a scale and design sympathetic to the present character.

⁷¹ On 25 November 2015

Unlike other residential zones, infill housing is not anticipated. However, as with the remainder of the District's residential zones, Residential Flats are provided for as a fundamental part of a standard residential unit to increase the diversity of residential accommodation in the zone as well as recognise the diverse household types and preferences within the District.

The Town Centre Transition Overlay provides for limited expansion of commercial activities in an identified location adjoining the town centre. Any modifications to existing buildings or properties are expected to retain the historical character and qualities of the Old Town Residential Area.

91. We have recommended these changes as Clause 16(2) clarifications that do not change the meaning or consequence of the provisions or Plan. We find that the changes to the notified and S.42A versions of the section identified above will be the most appropriate overall way to 'set the scene' for the statutory provisions that follow.

11. Section 11.1 Purpose

92. In Ms Leith's S.42A version, the notified zone purpose was proposed to remain largely intact. She recommended deletion of the third paragraph, which discussed opportunities to achieve higher density outcomes where it would 'fit in' with existing development and infrastructure network capacity. On the basis of the changes to the zone framework to be discussed later, we find that the paragraph should be deleted. This is primarily on the basis that the rules do not provide any such framework for higher density in specific locations. The land use density provisions we have come to recommend are based on environmental characteristics, allow for the efficient use of all land within the zone, and will allow individuals to seek consent for higher density outcomes on the basis of the merit of each individual proposal.
93. We also find that the note included at the conclusion of the zone purpose statement "*pursuant to Section 86(b)(3) of the RMA, Rule 11.5.5 has immediate legal effect*" should be deleted.
94. We have otherwise reached our own conclusions on the zone provisions and in light of this the zone purpose should be changed to simplify it as well as reinforce what we consider to be the more defensible approach to density, including through the evidence of the Council's urban design expert Mr Falconer⁷² and a number of submissions seeking a minimum lot size of 2,000 square metres be the norm rather than the notified 4,000 square metres minimum⁷³. In summary, the zone should enable development at a density of 1 unit per 2,000 square metres site area except where environmental characteristics justify a lower density of 1 unit per 4,000 square metres (such as we find is the case at Mr Iron in Wanaka). These changes are consequential to our findings on the matters raised by submissions (discussed below) and otherwise qualify as Clause 16(2) corrections or clarifications.
95. Our recommended changes to the zone purpose are:

The Large Lot Residential Zone provides low density living opportunities within defined Urban Growth Boundaries. The zone also serves as a buffer between higher density residential areas and rural areas that are located outside of Urban Growth Boundaries.

⁷² Verbal responses of Mr Garth Falconer to Commissioner questions, Stream 6 hearing.

⁷³ Submissions 322 (supported by FS1110, FS1126, FS1140, FS1198, FS1207 and FS1332), 687 (supported by FS1111 and FS1207), 166 (supported by FS1110, FS1111, FS1126, FS1140, FS1198, FS1207 and FS1332), 293 (supported by FS1110, FS1111, FS1126, FS1140, FS1198, FS1207, FS1332;), 299, 335 and 812 (supported by FS1110, FS1111, FS1126, FS1140, FS1198, FS1207, FS1332)

The zone generally provides for a density of one residence every 2000m² to provide for a more efficient development pattern to utilise the Council's water and wastewater services while maintaining opportunities for a variety of housing options, landscaping and open space. Identified areas have a residential density of one residence every 4000m² reflecting landscape or topographical constraints such as around Mt Iron in Wanaka. The potential adverse effects of buildings are controlled by bulk and location, colour and lighting standards and, in respect of the lower density (4,000m²) part of the zone, design and landscaping controls imposed at the time of subdivision.

Community activities and low intensity forms of visitor accommodation may be appropriate provided the low-density development character and amenity for residents is maintained and there is a demonstrated need to locate in the zone.

While development is anticipated in the zone, some areas are subject to natural hazards and, where applicable, it is anticipated that development will recognise and manage the risks of natural hazards at the time of subdivision.

96. We find that the changes to the notified and S.42A versions of the section identified above will be the most appropriate overall way to 'set the scene' for the statutory provisions that follow.

PART D: SECTIONS 7.2, 8.2, 9.2, 10.2 AND 11.2 – OBJECTIVES AND POLICIES

12. CHAPTER 7 OBJECTIVES AND POLICIES

12.1. Objective 7.2.1 and Policies 7.2.1.1 and 7.2.1.2

97. The notified objective is worded:

“Objective - The zone provides for low density residential living within the District’s urban areas.”

98. The notified policies are worded:

“7.2.1.1 Low density zoning and development is located in areas that are well serviced by public infrastructure, and is designed in a manner consistent with the capacity of infrastructure networks.

7.2.1.2 The zone is suburban in character and provides for a low density housing development on larger urban allotments primarily comprising dwellings up to two storeys in height.

7.2.1.3 The zone may support low intensity forms of visitor accommodation (such as peer to peer accommodation) to meet anticipated visitor demand, where this can be sensitively integrated with existing residential premises.”

99. Subsequent to public notification of the PDP, the provisions relating to visitor accommodation within the residential zones were withdrawn by the Council⁷⁴. For these provisions, this had the effect of deleting proposed policy 7.2.1.3, and we have given no further consideration to the matter.

100. In Ms Leith’s Section 42A Report a reasonably substantial re-wording of the objective was proposed, however the justification for this was to make the original intent clearer and simpler rather than on the basis of a submission seeking a change of tone or emphasis.

101. She recommended minimal changes to the two policies, reflecting only administrative changes or corrections.

102. In terms of the fundamental outcomes to be enabled within the zone, Ms Leith summarised that there were submissions received that were in support or partial support⁷⁵, and opposition or partial opposition⁷⁶ to the increased density proposed within this zone. Ms Leith herself was not in complete agreement with the notified provisions on the basis that she interpreted the analysis and section 32 report as promoting a more limited increase in density (what she described as an intention for “gentle” density down to 300 square metre sites⁷⁷). Having read the section 32 report, we disagree with Ms Leith’s conclusion.

103. We find the analysis undertaken by the Council, including the evidence prepared by Mr Philip Osborne, convincing in terms of the housing issues facing the District. We find that there is effectively no reliable evidence before us that there is not a serious housing issue facing the

⁷⁴ 25 November 2015

⁷⁵ Submissions 32, 33, 34, 335, FS1251, 110, 144, 169, 371, 372, 374, 435, 206, 358, 501, 72, FS1352

⁷⁶ Submissions 9, FS1012, 309, 159, 230, 89, 202, 752

⁷⁷ For example at paragraph 9.23 of the Chapter 7 Section 42A Report

District and that there is a reasonably urgent need for more houses of all types - with a particular need for more affordable houses. We also accept the assumption that the existing proportion of vacant sites and second or holiday homes is likely to continue into the reasonably foreseeable future, and that this places further pressure on housing supply.

104. Our agreement with Mr Osborne leads us to favour the increased density promoted within the zone (compared to its equivalent in the ODP) as notified. To that end, the focus then becomes how to ensure that the amenity and character values within the zone and in particular the areas within it that have already been developed can be maintained. In this respect, we are in general agreement with the urban design evidence of Mr Falconer that provided that the design, scale and form of development can be managed, subdivided lots down to 300 square metres, and effective or net densities of 1:150 square metres once residential flats are taken into account, will be appropriate. In reaching this conclusion, and although we accept that issues of amenity values involve an inherently subjective element of personal opinion and taste, we received no expert evidence that opposed the densities proposed (as will be discussed later, there was however wide support for an increased use of design guidelines to help manage this and other design issues within the zone).
105. As will become clearer as we move into the activity and development control rules, we find that the proposed approach to density is fundamentally correct and indeed necessary. We find that Ms Leith's conservative interpretation of the Council's intent based on her reading of the s.32 report does not lead to the most appropriate outcome for the District and, in agreement with the submissions that support the densities notified, we prefer the policy framework give a more balanced representation of the need to accommodate more housing within the zone.
106. Turning to the changes we have determined for the objective and policies, we have identified a number of changes that should be made. We have found that the changes we prefer, as with the earlier zone purpose, are focused on making the provisions plainer and more accurate depictions of the outcomes that are sought. These are:

7.2.1 Objective

Development within the zone provides for a mix of compatible suburban densities and a high amenity living environment for residents as well as users of public spaces within the zone.

Policies

7.2.1.1 *Ensure the zone and any development within it is located in areas that are well serviced by public infrastructure, and is designed in a manner consistent with the capacity of infrastructure networks.*

7.2.1.2 *Encourage an intensity of development that maximises the efficient use of the land in a way that is compatible with the scale and character of existing suburban residential development, and maintains suburban residential amenity values including predominantly detached building forms, and predominantly one to two storey building heights.*

107. Overall, we consider that the changes we have recommended will make administration of the Plan more effective and efficient. On this basis, we find the objective will most appropriately implement Part 2 of the Act and the policies will most appropriately implement this and the other zone objectives.

12.2. Objective 7.2.2 and Policies 7.2.2.1 and 7.2.2.2

108. The notified objective is worded:

“Objective – Ensure protection of amenity values in recognition of the zone’s lower intensity character, whilst providing for subtle and low impact change.”

109. The notified policies are worded:

“7.2.2.1 Enable residential development on allotments of a size consistent with a low density character, which are typically larger than 450 square metres, but enable infill development at a higher density where it is low scale and discrete, and relates well to existing land use.

7.2.2.2 Apply height, building coverage, and bulk and location controls as the primary means of retaining the lower intensity character of the zone and ensuring protection of amenity values in terms of privacy, access to sunlight, and impacts arising from building dominance.”

110. In Ms Leith’s S.42A version of the zone, she recommends deleting the objective and policy 1, and (with amendments) attaching policy 7.2.2.2 to objective 7.2.1 as a new policy 7.2.1.3 for that objective.

111. The reasons for this follow on from the discussion made around objective 7.2.1. The changes recommended by Ms Leith have been made to reduce unnecessary repetition within the notified provisions as well as simplify and clarify them.

112. We find that the key issue that Ms Leith has struggled with, having agreed with the general thrust of the PDP to provide higher density development within both new and the existing suburban areas of Queenstown, is to reconcile within the policy framework the maintenance and enhancement of existing residential amenity values with the need to accommodate higher density development than has often occurred on the land.

113. We agree with Ms Leith insofar as objective 7.2.2 is not necessary in light of the other proposed objectives. We also agree with the deletion of policy 7.2.2.1 and, with modifications, the retention of policy 7.2.2.2 as policy 7.2.1.3.

114. Turning to the modifications to be made to policy 7.2.2.2, we note that the changes recommended by Ms Leith have the effect of changing the notified policy from being purely ‘administrative’ (our term) to being ‘outcome’ focussed. The notified policy simply directed that there would be development control rules as the primary means of enabling appropriate development. The shortcoming of that approach is that the policy would have no assessment value when considering applications for consent to contravene any of those standards. Ms Leith’s proposed changes would allow the policy to:

- Still justify the use of rules for permitted activities;
- Reduce the presumption that the ‘rules were always right’ by giving less emphasis on their role as the “primary means” of managing development effects; and
- Be used to help assess the appropriateness of applications for consent based on bulk and location rule contraventions.

115. We find that the approach taken by Ms Leith is more effects-based, effective and efficient than the notified policy and we support it. However, we consider that the wording used by Ms Leith can be further simplified. We also disagree with her use of the word “protect” relative to

neighbours' amenity values as this is not at all compatible with the overall provisions of the zone to enable additional development than now exists; the zone plainly promotes change across the zone and in many cases substantial change is proposed to be a permitted activity.

116. Ms Leith also agreed with the submission of Pounamu Body Corporate Committee⁷⁸ in proposing to add "views" to the amenity values that in her view should be protected. Notwithstanding our disagreement with her word "protect", we disagree that existing views are a relevant matter at a policy level within a development zone where, subject to yard and other bulk and location controls, buildings are anticipated to locate relatively closely to one another. This is not compatible with the practical retention of existing views (which tend to rely on (often privately owned) vacant land between the viewer and the view). While we accept that visual amenity is a matter relevant to amenity values, we consider that views should not be promoted as highly as Ms Leith has preferred. We also note that when we heard from Pounamu Body Corporate Committee, it presented no evidence to support or justify Ms Leith's position as a zone-wide proposition.

117. For these reasons, we recommend that the policy be worded as set out below, relying on Clause 16(2) and those submissions referred to earlier that discussed the importance of amenity and character values within the zone.

7.2.1.3 Ensure that the height, bulk and location of development maintains the suburban-intensity character of the zone, and maintains the amenity values enjoyed by users of neighbouring properties, in particular, privacy and access to sunlight."

118. We also find that the revised policy 7.2.2.2 can sit comfortably under objective 7.2.1 as proposed by Ms Leith as policy 7.2.1.3, because 7.2.1 is directly focused on the issue of the scale, form and density of development within the zone.

119. Overall, we find that the revised S.42A version of these provisions set out above is the most appropriate.

12.3. Objective 7.2.3 and Policies 7.2.3.1, 7.2.3.2 and 7.2.3.3

120. The notified objective is worded:

"Objective - Allow higher housing densities than typical in the zone provided that it retains a low rise built form and responds appropriately and sensitively to the context and character of the locality."

121. The notified policies are worded:

"7.2.3.1 Ensure any higher density residential development is planned and designed to fit well within its immediate context, paying particular attention to the way the development:

- Relates to neighbouring properties, through employing larger setbacks, sensitive building orientation and design, and landscaping to mitigate dominance and privacy impacts*
- Avoids large continuous building facades that are not articulated or broken down into smaller elements*
- Provides street activation through connection between front doors and the street.*

⁷⁸ Submission 208

7.2.3.2 *Landscaped areas shall be well designed and integrated into the design of developments, providing high amenity spaces for recreation and enjoyment, with particular regard to the street frontage of developments.*

7.2.3.3 *Encourage initiatives to reduce water demand and water use, such as roof rain water capture and use and greywater recycling.”*

122. Ms Leith’s Section 42A Report proposed substantial change to these provisions on the basis of specific submissions as well as her interpretation of the general intent of the PDP through its s.32 report and more general submissions on the topics of growth and development within the zone. Of note, based on her other recommendations, the objective would be re-numbered 7.2.2.

123. These provisions focus on the higher density provisions proposed for the zone and provide a more focused and issue-specific fleshing out of the general policy framework set out through objectives 7.2.1.

124. Before discussing the details of these provisions, there are several issues related to increased density that we must consider first.

12.4. Airport Noise Boundary and Outer Control Boundary

125. The matter of additional residential development and density within the Queenstown ANB or OCB was of keen interest to QAC⁷⁹ and BARNZ⁸⁰. They each presented evidence and legal submissions to us, with the primary planning witness called by QAC being Mr Kyle, an experienced planner who has worked on airport-related matters previously in the District. In summary, the evidence presented by and on behalf of QAC and BARNZ, which the Council’s witnesses agreed with, was that the matter of how to best manage the land around the airport was to effectively limit further development rights to those conferred by the previously completed Plan Change 35 to the ODP. That Plan Change, we were told, included a lengthy stakeholder conversation and widely-accepted compromise position.

126. We also heard from a local resident, Mr Scott Freeman⁸¹ (an experienced planner who submitted as a resident and, we note, very professionally volunteered that he was not appearing as an expert witness). Mr Freeman advised us that he had been involved on behalf of residents in working with QAC and BARNZ on this and related issues to the airport’s ongoing operation. Although Mr Freeman might benefit from additional development rights for his land, he further reiterated to us the history of this topic around the airport and why he effectively agreed with what was a generally uniform position between QAC, BARNZ and the Council.

127. While this amounted to, overall, a consistent and convincing position, we were mindful that Plan Change 35, for all of its merit, did not appear to have been prepared in the context of a housing problem as pronounced as we now find it. We are also mindful that the PDP Chapter 7 provisions are intended to give effect to the objectives and policies of the PDP’s district-wide priorities, not the ODP ones.

⁷⁹ Submission 433 and Further submission 1340

⁸⁰ Submission 271

⁸¹ Submission 555

128. In our consideration of the matter there were two critical issues to be addressed. The first was to understand the nature of the environment within the ANB and OCB not only as it is today but in the reasonably foreseeable future. The second related to the significance of the land within the ANB / OCB and its potential for accommodating future growth to help address housing issues.
129. In terms of the former, we accept the evidence that the Queenstown airport is very busy today, but is predicted and has been planned to become significantly busier within the reasonably foreseeable future (the order of 30 years). We understand that the ODP and PDP provisions for the airport both provide for those predicted changes to occur. While the operating environment today may not be overtly hostile to residential amenity within the ANB and OCB, it is likely that in the future it will not be a comfortable environment to live or spend time in, including when outdoors. We consider that one direct consequence of this is that the Plan should make this high likelihood explicit.
130. We also accept the evidence presented by experts on behalf of both QAC and BARNZ, specifically Mr Kyle⁸² (QAC) and in particular Mr Morgan⁸³ (BARNZ) regarding New Zealand Standard 6805:1992. This standard is relevant insofar as it gives guidance on how to best manage the development of activities sensitive to aircraft noise. The thrust of this aspect of the submitters' case was that people living close to the airport and subject to high levels of aircraft noise could be subject to unacceptable noise levels relative to their health and wellbeing. This has been a contributor to our findings on the most appropriate extent of further development that should be enabled close to the airport.
131. In terms of the latter, we find that although the District has a very challenging geography for settlement planning and growth, there are a number of alternatives available where any growth prevented from occurring within the ANB or OCB could adequately locate. In this respect, we accept Mr Kyle's verbal evidence to us on this point⁸⁴ and acknowledge his experience and familiarity with the District made him reasonably authoritative on the matter. We also note that, while the calculations of the different witnesses varied, the maximum additional development potential of the land within the ANB and OCB is not significant and very likely to be less than 50 new residential units maximum (were we to find the zone's general density allowances should apply)⁸⁵.

12.5. Density and Residential Flat

132. Related to this matter of density was the question of residential flats. In the PDP, residential flats were provided for as permitted activities. The Council through its section 42A process has sought to retain this but shift the 'home' of the residential flat rule into the definition of residential unit. This would have the effect of meaning that the definition of a residential unit included both a principal unit and an additional flat without need for a separate activity rule. This is in our view an unusual means of providing for residential flats and we remain unclear on why the Council seeks to do this rather than maintain a simple and clear rule for residential flats within the residential zones. We note that there are also potentially troubled waters with the principle of using definitions to provide development rules (for instance the approach of providing for family flats in a definition removes the opportunity for a clear consent path to be provided should the terms of the definition not be met – such as through an oversized residential flat). Our understanding is that if a residential flat cannot meet the terms specified

⁸² J Kyle, EiC

⁸³ E Morgan, EiC

⁸⁴ J Kyle, response to Commissioner questions at the Stream 6 hearing

⁸⁵ E Morgan, EiC

in the proposed definition, it would fall to be considered as a second principal dwelling on the site (we are not convinced that activity rule 7.4.1 (activities not otherwise provided for) would apply given that residential units, including more than one per site, are provided for in the 7.4 rule table.

133. In our view, residential flats have been well justified by the growth and development data provided to us by the Council and should be provided for as permitted activities within the zone. We note our general comfort with the parameters for family flats proposed by the Council, irrespective of whether they form part of a definition or a stand-alone rule.

12.6. Density and Development Quality

134. Completing our discussion related to density within the zone it is also appropriate to summarise a discussion shared with numerous submitters regarding the adequacy of the proposed (and varied S.42A version) provisions to ensure an appropriate design quality would eventuate. This was of greatest importance for the High and Medium Density Residential zones, but was also relevant to us in terms of the proposed wording of policies supporting objective 7.2.3, and the management of the densities to be enabled in the zone.

135. We record that there was widespread support and agreement for the use of design guidelines incorporated into the Plan to help guide the design of development. Theoretically a guideline could apply to permitted activities via a permitted activity condition requiring developers to have (unsupervised) regard to any guidelines. But it is more likely that any guidelines would mostly apply to proposals needing resource consent as an additional matter of consideration. We were helped in our understanding of how any future design guidelines may work with the Plan through the Variation 1 process, which was to add a guideline to the Plan for the purpose of Arrowtown's unique historic heritage.

136. We discussed potential guidelines with design experts that appeared before us on behalf of a number of submitters including Mr Garth Falconer (for the Council) Mr Tim Williams (for Universal Developments Ltd⁸⁶ and Mount Crystal Ltd⁸⁷), Ms Rennie (for Estate of Normal Kreft⁸⁸ and Wanaka Trust⁸⁹), and Ms McLeod (for NZIA⁹⁰). Interrelated with the issue was a suggestion for design professionals to have a greater influence in resource consent decision making (this included the role of the Urban Design Panel, which by all accounts provides a well-regarded and respected service to the District) to, in summary, account for the limitations of non-designers working under the Act. We must record that several submitters and some of the design advocates supporting design guidelines seemed unclear on how any guidelines would work and be applied, including the role or standing of design advisors in the resource consent decision making process. This was in our view indicative of a deeper, and problematic misunderstanding of the Act and consent process by those parties and experts. The inability of any advocate of design guidelines to coherently advise us exactly how the PDP was deficient; or what the guidelines would contain, how they would be administered (including weighting compared to other provisions), what specific objectives or policies they would implement, how they were superior to other methods (such as the retention of assessment matters such as are within the ODP), and what costs and benefits they might bring with them, proved fatal to us finding in support of the various relief sought. It also reduced the strength of some arguments to superficial moral principle rather than logic or factual evidence.

⁸⁶ Submission 177

⁸⁷ Submission 150

⁸⁸ Submission 512/Further Submission 1300

⁸⁹ Submission 536

⁹⁰ Submission 238

137. We asked questions of those submitters promoting greater involvement of designers to test how reliable such a designer-led process might be at improving alleged shortcomings in the resource management planning process. From the hearing venue we were able to take in views of a recently completed construction adjoining the historic Eichardt's Private Hotel in Queenstown. Widely reported in the media at the time of the hearing was also a proposal for a contemporary "Olive Leaf" building in Arrowtown adjacent to the existing Church of St Patrick. We received very mixed responses from designers and design advocates regarding the merit of each example described above and, in particular, whether a design-led Plan would promote or prevent such outcomes in the future.
138. Ultimately we were left with the impression that the district's design community lacks a shared or even majority position on what constitutes good or successful design, including who should police it or how. This substantially eroded our confidence in what was communicated as a "designers know best" message, especially once we considered the tension whereby, in acknowledgement that landscape architecture, architecture and urban design are different fields of expertise, it may be possible that a proposal could be exemplary in one field of design (for instance landscape architecture), but badly defective in another (for instance urban design).
139. We were not convinced that design guidelines would be as reliable or necessary as their advocates believed and we struggled to understand the legal basis that the non-statutory Urban Design Panel or other bodies such as the Arrowtown Planning Advisory Group might rely on if encouraged to become more involved as quasi or full decision makers on resource consents. We lastly note our rejection of the principle that a resource consent activity status or a decision on an application for resource consent can be mandated to the support of a design body, group, or institution including the Council's Urban Design Panel.
140. We also note that we have substantial doubts as to whether or not the current Urban Design Panel could be readily up-scaled to provide a substantially expanded role in the district, including whether or not there are sufficient qualified, skilled, independent and amenable design experts available to sit on it.
141. Lastly, we address the submissions made by Pounamu Body Corporate Committee⁹¹ seeking that the existing design criteria within the ODP be retained in the new Plan. Assessment criteria within plans are akin to guidelines inasmuch as they lack the legal force of rules that must be complied with. They must be considered to the extent specified within a Plan's rules but there is no expectation that all or even a majority of them must be satisfied before a consent could be granted. We see practical challenges in design-based assessment criteria, especially if they seek to show 'acceptable solutions' rather than just list potentially relevant considerations. If very aspirational or idealised outcomes were represented, there is a likelihood that many applicants will fail to meet them and the criteria could be discredited as unrealistic. If more practical or pragmatic design outcomes were represented, applicants that could do better might settle for the lower-bar implied as adequate within the Plan's criteria. Criteria that seek to cover off every possible eventuality might become so unworkably extensive as to create significant user inefficiencies and administrative ineffectiveness. These concerns are in our view serious, and the evidence provided to us through the hearings did little to address them.

⁹¹ Submission 208

142. All of the above issues would need to be compellingly addressed before a shift to a more designer-centric planning regime could be taken any further.
143. We instead prefer the more studied analysis of Mr Falconer, who supported the addition of design guidelines in the future on the basis that they are a “nice to have, not a must have”⁹². In our view Mr Falconer demonstrated a sound understanding of the Act and the resource consent process, and saw a design guideline as a support reference that could help give developers practical ideas rather than a form part of a paint-by-numbers ‘rule book’ detailing a ‘Queenstown style’ to be complied with. He remained of the view that the S.42A version of the Plan (for all residential zones) had sufficient design requirement and guidance that, with skilled expert input as is typically provided by both applicants and the Council, developments would achieve an adequate design quality.

12.7. Findings

144. We find that clear outcome-focused objectives and policies remain the superior resource management instruments to ensure high quality design outcomes eventuate in a manner that can be enforced by way of the refusal of consent where necessary.
145. We are comfortable that we can recommend approval of the PDP without design guidelines, and have no opinion on what material might go into any potential future design guideline or why. On design matters more generally, we strongly prefer that the Plan continue a pragmatic non-regulatory approach given the subjectivity of the matter and obvious disagreement surrounding which sub-group of local design experts should have their preferred aesthetic endorsed in a regulatory sense.
146. On the basis of the evidence we received and our own analysis, we find that there is a sound and desirable basis to limit development within the ANC / ONB further than would otherwise be the case (which includes the opportunity to establish residential flats). In this respect, we fundamentally agree with the position set out within Ms Leith’s Section 42A Report to enable residential flats but otherwise limit additional density within land very close to the airport. We disagree with QAC and BARNZ that any further changes are necessary to integrate PC35’s main points into the PDP, subject to the changes we have outlined in this decision and introduced below that give greater clarity around land close to the airport. We also refer to complementary subdivision Rule 27.7.14.2, which would exclude from the area within the Queenstown Airport Air Noise Boundary and Outer Control Boundary provision for subdivision of lots smaller than 450 square metres.
147. The Council, through its own submission⁹³, sought additions to these provisions to explicitly acknowledge privacy between units and sites. Ms Leith agreed with this relief and her s. 42A recommendations included this as part of the suite of revisions she put forward. There was limited analytical evidence to substantiate the nature of the privacy problem that needed to be rectified.
148. Turning to the provisions themselves, we find that the issue of development around the airport should be the subject of its own objective and policies, and we find that using the now-vacant 7.2.2 place holder is the most appropriate location. The principal reason for doing this is that we consider the Plan would be clearer and simpler if the long-term constraint on development that the airport creates was better acknowledged.

⁹² G Falconer, Verbal responses to Commissioner questions, Stream 6 hearing

⁹³ Submission 383

149. We also consider that, of the remaining provisions, the wording put forwards by Ms Leith is appropriate however we find that additional reference to the reduced building height of 5.5m that the Council seeks to require in the higher density outcomes of the zone should be more clearly justified in the zone policies. We also consider some minor wording changes remain desirable and recommend these changes under Clause 16(2).

150. In terms of policies 7.2.3.1 and 7.2.3.2, we have preferred the word “encourage” to commence the policies rather than “ensure” as proposed by Ms Leith, primarily because the rules provide for permitted activity outcomes that would not allow the Council any consent requirement or opportunity to “ensure” particular design outcomes favoured by the Council eventuated. We are satisfied that potential effects can be managed through Council encouragement, such as by way of development guidelines that we were told the Council is seeking to add to the Plan by way of future variation. We have preferred “limit” to commence policy 7.2.3.2 because there is a proposed rule that requires this (notified rules 7.5.1 and 7.5.2).

151. Our recommended changes to these provisions are:

7.2.3 Objective

Encourage higher density development where it responds sensitively to the context and character of the locality and is designed to maintain local amenity values.

Policies

7.2.3.1 *Encourage densities higher than 1:450 square metres per residential unit where this is designed to fit well with the immediate context, with particular significance attached to the way the development:*

- a. *Manages dominance effects on neighbours, through measures such as deeper boundary setbacks, sensitive building orientation and design, use of building articulation, and landscaping.*
- b. *Achieves a reasonable level of privacy between neighbours through measures such as deeper boundary setbacks, offsetting habitable room windows that face each other, or the use of screening devices or landscaping.*
- c. *Provides activation of streets through the placement of doors, windows and openings that face the street.*

7.2.3.2 *Limit building height on sites smaller than 900 square metres that are proposed to be developed for two or more principal units (i.e. excluding residential flats) so as to mitigate a reduction in spaciousness around and between buildings that otherwise forms part of suburban residential amenity values.*

7.2.3.3 *Encourage landscaped areas to be well-designed and integrated into the development layout and design, providing high amenity spaces for recreation and enjoyment, having particular regard to the visual amenity of streets and street frontages.*

152. Overall, we find that the recommended wording above will be the most appropriate having regard to the importance of additional density within the zone, the limitations of the land affected by airport noise and operations to accommodate additional density, and the need for the Plan to be clear on the form and scale that additional density should take. We note that further changes to these notified provisions have also been recommended as a result of our findings on proposed objective 7.2.10, later in this report.

12.8. Objective 7.2.4 and Policy 7.2.4.1

153. The notified objective is worded:

“Objective - Allow low rise, discrete infill housing as a means of providing a more diverse and affordable housing stock.

154. The notified policy is worded:

“Policies

7.2.4.1 Provide for compact, low rise infill housing that does not fundamentally compromise the integrity of the zone’s low density character and amenity values.”

155. In her Section 42A Report, Ms Leith recommended deleting this objective on the basis that it was unnecessary and repetitive. We agree; it is not necessary given objective 7 2.3.

156. Ms Leith also sought to revise the wording of and retain policy 7.2.4.1, but renumber it and attach it to Objective 7.2.3 (as policy 7.2.3.4)⁹⁴. On consideration of the revised policy, we note that it seeks to restrict building height so as to ensure infill development is compatible with local character and amenity zones. We consider that policy 7.2.1.3 (as per our previous recommendations) already provides guidance as to when building height should be limited. While we have agreed with a specific policy relating to higher density development on sites smaller than 900 square metres, this is on the basis of rules that provide a lower height limit than the zone standard. In the case of infill housing, there is no such requirement.

157. On this basis, we recommend deleting Policy 7.2.4.1 (proposed in the S.42A version to be renumbered as 7.2.2.3).

158. Ms Leith has also sought, in general recognition of the submissions that support additional development choice and opportunity, to add a new policy, that would sit under Objective 7.2.3. It would generally encourage development that promotes housing diversity and affordability. We do not agree with this policy, especially given that Ms Leith has proposed no parameters around when the Council might not wish to encourage choice and opportunity (such as if proposed units were likely to result in significant adverse effects due to a severe lack of user amenity). Hence it could be used by any applicant seeking to contravene any relevant zone rules and expect the Council to encourage that development on the basis of the policy.

159. We find that the plan policy framework sufficiently promotes housing diversity and affordability (notably through Objective 7.2.3), and that no additional policy steer is justified or appropriate.

160. In conclusion, we recommend that these provisions be deleted.

12.9. Objective 7.2.5 and Policies 7.2.5.1, 7 2.5.2 and 7.2.5.3

161. The notified objective is worded:

“Objective - In Arrowtown residential development responds sensitively to the town’s character”

162. The notified policies are worded:

“Policies

⁹⁴ Section 42A Report for Chapter 7

7.2.5.1 *Development is of a form that is sympathetic to the character of Arrowtown, including its building design, scale, layout and building form in accordance with the Arrowtown Design Guidelines 2006.*

7.2.5.2 *Flat roofed housing forms are avoided.*

7.2.5.3 *Infill housing development responds sensitively to the existing character of the area.”*

163. In Ms Leith’s Section 42A Report she recommended a number of changes to these provisions, but only one change related to a submission (NZTA⁹⁵). Other changes related to editorial changes she identified on the basis of guidance from the Panel to the Council and submitters⁹⁶.

164. The most material change proposed was to change the Arrowtown Design Guidelines 2006 to the Variation 1 edition dated 2016. While our decision on Variation 1 is contained in a separate report, we note at this point our agreement that for the purposes of Objective 7.2.5 reference should be made to the 2016 guidelines. Our decision on Variation 1 contains details on our findings in relation to the 2016 guidelines (Report 9B).

165. Overall and subject only to very minor Clause 16(2) changes, we have agreed with Ms Leith’s Section 42A Report recommendations and consider that they are the most appropriate provisions. Of note, we consider that proposed Policy 7.2.5.3 largely repeats 7.2.5.1 and on that basis can be deleted, with reference to infill housing added to 7.2.5.1.

166. We find that subject to the further revisions to the S.42A version outlined below, (noting that 7.2.5 now becomes 7.2.4), the provisions will be simpler and more effective than the notified text, and will as such be the most appropriate. The recommended text is:

7.2.4 Objective

Residential development in Arrowtown is compatible with the town’s existing character.

Policies

7.2.4.1 *Ensure development, including infill housing, community activities and commercial development is of a form that is compatible with the existing character of Arrowtown, and as described within the Arrowtown Design Guidelines 2016, with particular regard given to:*

- a. *Building design and form*
- b. *Scale, layout and relationship of buildings to the street frontage(s)*
- c. *Materials and landscape response(s)*

7.2.4.2 *Avoid flat-roofed dwellings in Arrowtown.*

12.10. Objective 7.2.6 and Policies 7.2.6.1, 7.2.6.2 and 7.2.6.3

167. The notified objective is worded:

“7.2.6 Objective - Provide for community activities and facilities that are generally best located in a residential environment close to residents.

168. The notified policies are currently worded:

⁹⁵ Submission 719

⁹⁶ The Panel’s 4th Procedural Minute, dated 8 April 2016

“Policies

7.2.6.1 *Enable the establishment of community facilities and activities where adverse effects on residential amenity values such as noise, traffic, lighting, glare and visual impact can be avoided or mitigated.*

7.2.6.2 *Ensure any community uses occur in areas which are capable of accommodating traffic, parking and servicing to a level which maintains residential amenity.*

7.2.6.3 *Ensure any community uses or facilities are of a design, scale and appearance compatible with a residential context.”*

169. In Ms Leith’s Section 42A Report, she recommended minimal changes to these provisions. Editorial changes were recommended on the basis of the Panel’s 4th Procedural Minute, and changes discussed previously relating to the submissions of Southern District Health Board⁹⁷ and Ministry of Education⁹⁸ seeking the phrase “community facilities and activities” to be renamed “community activities”. We accept this change for the same reason we changed the phrase in the zone purpose at Section 7.1 (and in the other residential zones).

170. We find that it is necessary to enable community activities within the zone and note the lack of material objection to this from submitters. Community activities enable the social, economic and cultural wellbeing of communities in a way that is convenient and accessible due to those activities being located within residential areas. While there are some community activities that, due to their scale or operating requirements, may not be appropriate for co-location within the zone, we find that the provisions are generally appropriate and on a case by case basis resource consents can be sought to determine these acceptable operational limits.

171. The text changes we recommend are:

7.2.5 Objective

Community activities serving the needs of people within the zone locate within the zone on sites where adverse effects are compatible with residential amenity values.

Policies

7.2.5.1 *Enable the establishment of community activities where adverse effects on residential amenity values including noise, traffic, lighting, glare and visual impact can be avoided or mitigated.*

7.2.5.2 *Ensure any community activities occur in areas which are capable of accommodating traffic, parking and servicing to a level which maintains residential amenity values.*

7.2.5.3 *Ensure any community activities are of a design, scale and appearance compatible with a residential context.*

172. We find that the amended wording outlined above is the most appropriate means of enabling community activities within the zone (noting that 7.2.6 now becomes 7.2.5). We have adopted the words proposed by Ms Leith in her Section 42A Report subject to minor Clause 16(2) improvements. These will be the most appropriate provisions on the basis of being clearer and more readily administrable.

⁹⁷ Submission 678

⁹⁸ Submission 524

12.11. Objective 7.2.7 and Policies 7.2.7.1, 7.2.7.2 and 7.2.7.3

173. The notified objective is worded:

“Objective - Ensure development efficiently utilises existing infrastructure and minimises impacts on infrastructure and roading networks.

174. The notified policies are worded:

“Policies

7.2.7.1 Access and parking is located and designed to optimise efficiency and safety and minimise impacts to on-street parking.

7.2.7.2 Development is designed consistent with the capacity of existing infrastructure networks and seeks low impact approaches to storm water management and efficient use of potable water supply.

7.2.7.3 Development is integrated with, and improves connections to, public transport services and active transport networks (tracks, trails, walkways and cycleways).”

175. In her Section 42A Report, Ms Leith recommended minimal changes, subject only to editorial improvements based on the Panel’s 4th Procedural Minute and a change to policy 7.2.5.3 in agreement with the submission from NZTA⁹⁹ clarifying that development should integrate with all transport networks.

176. In consideration of these provisions we accept that optimising the transport network is a key issue for districts like Queenstown. Not only is the physical space to accommodate networks constrained by geographical and landscape issues, the seasonal population surge places a peak period pressure on transport and other systems. Related to this, we accept that development within the district, at both the individual and cumulative levels, has the potential to significantly affect the transport network. These effects include safety (our paramount concern), ecological effects related to noise, emissions and storm water, and the admittedly theoretical, but in our view probable economic costs related to travel time (especially for work-related trips).

177. In terms of other infrastructure networks, we accept that there are fundamental health and safety issues arising from development proceeding in a way that is not coordinated with infrastructure. For the Council’s part (and also the Regional Council) under the Local Government Act, it is responsible for an ongoing planning and provision role and, other than acknowledging this, we have no further comment.

178. Although the spatial extent of the zone will be determined having regard to infrastructure capacity, it is possible that through applications for resource consent, proposals are made that may be beyond local capacity to manage and it is appropriate that the Plan recognises this.

179. We find that Ms Leith’s proposed S.42A version amendments are largely appropriate and subject to minor Clause 16(2) clarifications we adopt them. These provisions will in our view be the most appropriate. Our preferred text is outlined below (noting that 7.2.7 now becomes 7.2.6).

⁹⁹ Submission 719

7.2.6 Objective

Development efficiently utilises existing infrastructure and minimises impacts on infrastructure networks

Policies

- 7.2.6.1 *Ensure access and vehicle parking is located and designed to optimise safety and efficiency of the road network and minimises impacts on on-street vehicle parking.*
- 7.2.6.2 *Ensure development is designed consistent with the capacity of existing infrastructure networks and, where practicable, incorporates low impact approaches to storm water management and efficient use of potable water.*
- 7.2.6.3 *Integrate development with all transport networks and in particular, and where practicable, improve connections to public transport services and active transport networks (tracks, trails, walkways and cycleways).*

12.12. Objective 7.2.8 and Policies 7.2.8.1, 7.2.7.2 and 7.2.7.3

180. These provisions were withdrawn from the PDP by the Council on 25 November 2015. We have given them no further consideration, although we have considered the submissions relevant to visitor accommodation, particularly that of Totally Tourism Ltd¹⁰⁰ relating to the activity status of visitor accommodation, as appropriate elsewhere in this report.

12.13. Objective 7.2.9 and Policies 7.2.9.1, 7.2.9.2, 7.2.9.3 and 7.2.9.4

181. The notified objective is worded:

“Objective - Generally discourage commercial development except when it is small scale and generates minimal amenity impacts.”

182. The notified policies are worded:

“Policies

- 7.2.9.1 *Commercial activities that directly serve the day-to-day needs of local residents, or enhance social connection and vibrancy of the residential environment may be supported, provided these do not undermine residential amenity or the viability of a nearby centre.*
- 7.2.9.2 *Ensure any commercial development is low scale and intensity (100m² or less gross floor area) and does not adversely affect the local transport network and the availability of on-street parking.*
- 7.2.9.3 *Commercial activities that generate adverse noise effects are not supported in the residential environment.*
- 7.2.9.4 *Ensure any commercial development is of a design, scale and appearance compatible with its surrounding residential context.”*

183. We find that there is an appropriate, and desirable, role for commercial activities within the zone for the same basic reasons that we support community activities within the zone.

184. These provisions attracted some interest from submissions. Ms Leith’s Section 42A Report proposed relative modest changes, in response to the Panel’s 4th Procedural Minute and also

¹⁰⁰ Submission 571

submitter Dave Barton¹⁰¹. Mr Barton sought clarity around how resource consent applications for commercial activities would be assessed, including a stronger position on the generation of noise effects. Ms Leith agreed with Mr Barton in respect of a change to Policy 7.2.9.2 (to remove reference to 100 square metres of commercial activity gross floor area), but only agreed in part with Mr Bartons's other request that the policy framework discourage commercial activities that generated *any* adverse noise effects.

185. We find that the policy framework is sufficiently broad to justify rules enabling home occupations, but consider that this should be made clearer. To that end under Clause 16(2) we have added such.
186. We also find that the Council's Reply version of these provisions is generally appropriate, but we have determined that for clarity, reference to the word "amenity" such as in the objective, should be changed to "amenity values" given that the latter is a statutory term supported by a definition within the Act.
187. The recommended text for these provisions (noting also that 7.2.9 becomes 7.2.7) is outlined below. We find that the above provisions will be the most appropriate means of providing for commercial activity within the zone, particularly because they better relate to the key amenity values effects of concern.

7.2.7 Objective

Commercial development in the zone is small scale and generates minimal amenity value impacts.

Policies

- 7.2.7.1 *Provide for commercial activities, including home occupation activities, that directly serve the day-to-day needs of local residents, or enhance social connection and vibrancy of the residential environment, provided these do not undermine residential amenity values or the viability of any nearby centre.*
- 7.2.7.2 *Ensure that any commercial development is of low scale and intensity, and does not undermine the local transport network or availability of on-street vehicle parking for non-commercial use.*
- 7.2.7.3 *Ensure that the noise effects from commercial activities are compatible with the surrounding environment and residential amenity values.*
- 7.2.7.4 *Ensure that commercial development is of a design, scale and appearance that is compatible with its surrounding residential context.*

12.14. Objective 7.2.10 and Policies 7.2.10.1, 7.2.10.2 and 7.2.10.3

188. The notified objective is worded:

"Objective - Ensure residential amenity is maintained through pleasant living environments within which adverse effects are minimised while still providing the opportunity for community needs."

189. The notified policies are worded:

"Policies

- 7.2.10.1 *Require, as necessary, mechanical ventilation of any Critical Listening Environment within new and alterations and additions to existing buildings containing an*

¹⁰¹ Submission 269

Activity Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary.

7.2.10.2 *Require, as necessary, sound insulation and mechanical ventilation for any Critical Listening Environment within any new and alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary.”*

190. In Ms Leith’s Section 42A Report, and primarily in response to the submissions made by QAC¹⁰² and NZTA¹⁰³, a reasonably substantial change was recommended. She proposed further recommendations in the Reply version including creating a new objective (Reply version Objective 7.2.7B). We note that the submission of BARNZ¹⁰⁴ also addressed reverse sensitivity effects relative to the operation of Queenstown Airport.
191. QAC and NZTA both operate strategic infrastructure that generates noise and could in turn be subjected to potential reverse sensitivity effects. We agree that the planning framework should recognise this, in two respects. The first is that the Plan should recognise that these parts of the environment will become increasingly unpleasant to live near into the future (especially the airport) as the intensity of use, and inherently the noise generated, increases in line with the operative designations both have in place within the ODP. The second is that development should in consequence be subjected to appropriate limitation so as to avoid or mitigate the potential effects that may arise.
192. Reverse sensitivity effects are problematic to manage inasmuch as that to occur in reality, a neighbour or other parties must first complain about the effects of a lawfully operating activity (the probability of which is difficult to predict), and then the activity being complained about must in turn be pressured to make a change in their activity that results in a material but ultimately unjustified loss of utility. We have used the term ‘material loss’ because we consider that a reasonable adaptation to one’s activity (possibly including a reduction in site utility) for the purposes of simply being neighbourly falls under the general duty imposed on all parties by s.17 of the Act to avoid, remedy or mitigate adverse effects, whether or not those effects are provided for in a Plan rule or a resource consent. So in that respect a reverse sensitivity effect must involve a level of constraint on a party over and above what it should be reasonably imposing on itself to meet the purposes of the Act (and any other Acts). This is not a straight forward line to define. The consequence of this is that we consider any provisions that seek to manage reverse sensitivity effects must not have the unintended purpose of preventing operators of activities from still having to meet the requirements of s. 17, and any other relevant sections, of the Act relative to their neighbours or the community in general.
193. At this time, there is no evidence of a reverse sensitivity effect having occurred in Queenstown relative to either the Queenstown Airport or NZTA’s strategic roads. We find that we are considering potential future reverse sensitivity effects and are in essence being asked to predetermine the likelihood of (a) complaints, and (b) an inability to resist those by either or both of the QAC or NZTA. We find that, in general, the mere prospect that a party or parties may complain at some point in the future being a basis to restrict the opportunity for those parties to use or develop their own land in the first instance is speculative and, ultimately, weak. In that respect, we consider that no complaints-type covenants are ably sufficient to

¹⁰² Submission 433 / Further submission 1340

¹⁰³ Submission 719

¹⁰⁴ Submission 271

address any actual reverse sensitivity effects from occurring. We are comfortable that the QAC and NZTA have clear legal permission to undertake the activities they do and we find it improbable that their lawfully established operations would be easily curtailed as a result of baseless complaints. We also find that there is no limitation under any New Zealand legislation that prevents either NZTA or QAC proactively using market mechanisms to achieve an outcome satisfactory to either (such as by purchasing at un-doctored market prices any adjacent property they wish).

194. Overall, we find the arguments made by QAC and NZTA before us in support of their need to be protected from reverse sensitivity effects to be poorly substantiated; there is no convincing evidence in support of their concern and ultimately, although not being presented in this way, their respective cases are each ultimately a combination of moral utilitarianism and largely theoretical risk. Most lacking was evidence that there was a history of high-volume unreasonable complaints, examples of curtailed operations, or a track record of the Council investigating alleged operations beyond the terms of a designation, resource consent, or other authorisation in Queenstown without any factual basis. The evidence presented in fact achieved the opposite; that the agencies – especially the QAC – have developed very constructive working groups and other relationships with the Council and community, and that these are proving effective at informing and including neighbours¹⁰⁵.
195. However, and despite our dissatisfaction with the arguments presented to us in support of additional restrictions, we find that the concerns of QAC and NZTA that the community could be harmed by disruption to their activities by way of reverse sensitivity effects are not so far-fetched as to be fanciful. Although we consider the risk of an actual reverse sensitivity effect eventuating for either the QAC or NZTA to be remotely low, we accept that the potential social and economic effects that could result could be especially and disproportionately severe. Effects of a low probability but a high severity are a category that is expressly defined in s.3 of the Act in the definition of “effect”.
196. Having accepted that there is a legitimate resource management issue to be managed, we have then considered the burden proposed to be transferred from the QAC, NZTA (and wider community) onto those landowners in proximity to the Queenstown Airport or a state highway by way of restricted development rights compared to other landowners. We find that the proposed provisions would still enable reasonable use of all private land and will, overall, most appropriately promote the sustainable management of natural and physical resources for the whole community.
197. Turning to the wording and structure of the Council reply-version provisions, we find that there is no need for the new objective 7.2.7B. Reverse sensitivity effects can be managed by way of policies sitting under existing objectives.
198. All matters pertaining to Queenstown Airport should be re-located to Objective 7.2.2 (as amended earlier in this report), with additional policies added as 7.2.2.2 and 7.2.2.3.
199. In terms of the balance of the provisions, we find that there is insufficient need for the objective. It repeats the content of previous objectives and serves no purpose other than to provide a ‘home’ for the remaining one Policy (7.2.7.3). We find that our revised Objective 7.2.1, which includes policies addressing amenity values within the zone as well as infrastructure capacity, is capable of accommodating Policy 7.2.7.3 and we have made this change accordingly.

¹⁰⁵ S Freeman, Verbal responses to Commissioner questions at the Stream 6 hearing

200. On this basis, proposed Policy 7.2.7.3 (introduced through the Section 42A Report), should be renumbered 7.2.1.4 . We set out the wording of those policies below:

7.2.2 Objective

Development is limited within the Queenstown Airport Air Noise Boundary and Outer Control Boundary in recognition of the severe amenity (noise) constraints now and also likely in the foreseeable future as a result of its increasing intensity of operation and use.

Policies

7.2.2.1 Discourage the creation of any new sites or infill development for Activities Sensitive to Aircraft Noise within the Air Noise Boundary and between the Air Noise Boundary and the Outer Control Boundary on land around Queenstown Airport.

7.2.2.2 Require, as necessary, mechanical ventilation of any Critical Listening Environment within new buildings, relocated buildings, and any alterations and additions to existing buildings that contain an Activity Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary.

7.2.2.3 Require, as necessary, sound insulation and mechanical ventilation of any Critical Listening Environment within new buildings, relocated buildings, and any alterations and additions to existing buildings that contain an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary.

7.2.1.4 Require, as necessary, all new buildings, relocated buildings and additions and alterations to existing buildings that contain an Activity Sensitive to Road Noise located adjacent to a State Highway to be designed to maintain internal residential amenity values and, in particular, to provide protection to sleeping occupants from road noise.

201. We find that the above changes to the plan will make it more efficient and administratively simple. We find that they will be the most appropriate means of managing health and wellbeing in relation to the Queenstown Airport and state highways.
202. We have also considered the extent to which the overall framework of objectives and policies will promote the sustainable management of natural and physical resources. We find that the provisions we have recommended in **Appendix 1** are more coherent and comprehensive than the notified provisions and will, overall, be the most appropriate to manage the use and development of resources and the resulting environmental effects.

13. Chapter 8 Objectives and Policies

13.1. Objective 8.1 and Policies 8.2.1.1, 8.2.1.2, 8.2.1.3, 8.2.1.4 and 8.2.1.5

203. The notified objective is as follows:

“Objective - Medium density development will be realised close to town centres, local shopping zones, activity centres, public transport routes and non-vehicular trails in a manner that is responsive to housing demand pressures.”

204. The notified policies are as follows:

“8.2.1.1 The zone accommodates existing traditional residential housing forms (dwelling, residential flat), but fundamentally has the purpose to provide land close to town centres, local shopping zones, activity centres and public transport routes that is appropriate for medium density housing or visitor accommodation uses.

- 8.2.1.2 *Medium density development is anticipated up to two storeys in varying building forms including terrace, semi-detached, duplex, townhouse and small lot detached housing.*
- 8.2.1.3 *More than two storeys may be possible on some sloping sites where the development is able to comply with all other standards (including recession planes, setbacks, density and building coverage).*
- 8.2.1.4 *The zone provides compact development forms that provide a diverse housing supply and contain the outward spread of residential areas.*
- 8.2.1.5 *Higher density development is incentivised to help support development feasibility, reduce the prevalence of land banking, and ensure greater responsiveness of housing supply to demand."*

205. This objective and its policies are intended to govern the distribution of the zone across the District, although the policies also cross over into the built form outcomes that are envisaged (we consider this to be problematic, as will be discussed later). In her Section 42A Report and recommendations, Ms. Leith proposed substantial changes to the notified provisions largely on the basis of Clause 16(2) clarifications to improve the text.
206. In terms of submissions, the key submitter was Reddy Group Ltd¹⁰⁶. Reddy Group Ltd sought a number of changes on the basis that alternative wording could result in clearer and more effective promotion of medium density housing. For this and other provisions, Ms Leith stated of her own recommendations: "I have adopted much of the amended wording recommended by submitter 699"¹⁰⁷. Other submitters to these provisions included M Lawton¹⁰⁸, P Roberts¹⁰⁹, R Jewell¹¹⁰, P Winstone¹¹¹, and D & V Caesar¹¹². We find in agreement with Ms Leith that Reddy Group Ltd, and other submitters, have proposed numerous improvements to the notified text.
207. We found the Council's urban design expert, Mr Falconer, and its economic advisor, Mr Osborne, especially helpful in our consideration of the Medium Density Residential Zone provisions and in particular this objective and its policies. Mr Osborne confirmed to us the severity of Queenstown's growth issues and this, in our view, directly relates to the ability of the community to provide for its social, economic and cultural wellbeing as described in s. 5 of the Act.
208. Mr Falconer described to us the need for this particular zone as a key means of accommodating growth in comparison to alternatives. Of particular interest to Mr Falconer was the economics of development and that in many cases medium density housing could strike a 'sweet spot' (our paraphrasing) in terms of development scale, cost and risk, that high density housing could struggle to match. As one example, we discussed with him the differences between timber-construction terraced housing with parking 'at grade' beside or behind the units, and concrete-construction low-rise apartments including elevators and car parking in an excavated

¹⁰⁶ Submission 699

¹⁰⁷ Section 42A Report for Chapter 8, page 85

¹⁰⁸ Submission 117

¹⁰⁹ Submission 172

¹¹⁰ Submission 300

¹¹¹ Submission 264

¹¹² Submission 651

basement. In his view, the medium density housing solution would often be more viable for a developer and more affordable (for purchasers) despite resulting in less units on the site. We accept his analysis that, in the absence of a very significant difference in unit yield achievable to overcome what could be substantial cost differentials (such as by way of additional building height), the Medium Density Residential zone may over time prove more effective in providing much needed affordable housing than the High Density Residential zone. We note that across all of the evidence we heard in the Stream 6 hearing, we heard nothing that came close to rebutting Mr Falconer's analysis.

209. We also note here that this discussion had reasonably obvious ramifications on our conclusions for the High Density Residential zone, to be outlined later.
210. Mr Falconer's support of the Medium Density Residential Zone went as far as him identifying that it was likely to be more significant than the more constrained (in terms of locational distribution) High Density Residential zone in addressing the District's housing issues. Although much of his commentary remains more applicable to the separate mapping hearings, we find that the need to provide for greater housing intensification including change to the existing character of some neighbourhoods to be both desirable and necessary.
211. In this respect, we recognise the extent of submissions made addressing medium density housing and higher densities generally (see paragraphs 9.21 and 9.22 of the Section 42A Report for a summary). We record our finding that there is a very compelling resource management basis to 'up zone' land when appropriate to enable more intensive and efficient use of land and, as is the case for the District, to address what has become a serious social and economic problem. We also find that opposition to such 'up zoning' requires convincing counter-argument based on the issues being addressed. Few submissions seeking a retention of previous lower density and more restrictive land use management controls offered such analysis and this weakened the case against the Medium Density Residential zone.
212. In summary, the principal argument in support of limiting intensification within existing developed areas relates to a loss of amenity values for existing residents, as well as various other adverse environmental effects including noise, shading, traffic and a loss of openness or views. We accept that these adverse effects could at times be substantial on those residents. The principal argument in support of enabling intensification within existing developed areas relates to the needs of new residents; the efficiencies of concentrating development in well-serviced and located areas; the inferiority of alternative locations to accommodate new growth; and the adverse effects that could eventuate from such an alternative settlement pattern (landscape effects, transport effects, social dislocation amongst others). We accept that the adverse effects of not enabling appropriate intensification could also be substantial on new residents and the environment. Although our above summary risks oversimplifying many nuances of the arguments on each side, we do find that there is an inevitable need to balance the interests of current residents against those of new and future residents when considering urban intensification.
213. We also note that wherever new growth is located it is likely to cause offence to some existing residents who feel they are losing some aspect of their quality of life and in this respect there is no 'silver bullet' for how and where future growth can be managed.
214. In terms of the objective, we find that the text can be substantially simplified to refer to employment centres on the basis that this will best promote non-vehicular travel (other than passenger transport). This best encapsulates the technical justification offered by the Council

for the zone and the need to limit opportunities for substantial intensification to where it can be accommodated such as by generating less demand for car travel on already busy roads. It also then better sets in train policy 8.2.1.1, which can describe in detail the locations most appropriate to implement the objective without being as repetitive as it had been when notified.

215. We find that the policies otherwise require substantial amendment, although mostly to make them clear and legible without changing their fundamental intent. In terms of policies 8.2.1.2 and 8.2.1.3 we find that these are not justified by the objective and should be removed given that different objectives and policies address the form and quality expected of development within the zone.
216. We find that policy 8.2.1.5 should be removed. The reference to incentivising higher density housing was inadequately substantiated and was not, in our view, reflected in any proposed rules. We also consider that incentivising higher density housing remains a matter that would be best promoted through non-Resource Management Act means, such as reduced development contributions or rates under the LGA, should the community determine to take such action.
217. The amended text we recommend is:

8.2.1 Objective

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

Policies

- 8.2.1.1 *Provide opportunities for medium density housing close to town centres, local shopping zones, activity centres and public transport routes.*
- 8.2.1.2 *Provide for compact development forms that encourage a diverse housing supply and contribute toward containing the outward spread of residential growth away from employment centres.*
- 8.2.1.3 *Enable increased densities where they are located within easy walking distance of employment centres and public transport routes, subject to environmental constraints including local topography, stability and waterways, that may justify a limitation in density or the extent of development.*
- 8.2.1.4 *Enable medium density development through a variety of different housing forms including terrace, semi-detached, duplex, townhouse, or small lot detached housing.*

218. We find that the recommended text is clearer and more direct in its language than the notified version, although retains the key thrust of what had been proposed by the Council.
219. Policies 8.2.1.1 and 8.2.1.2 relate to the allocation of the land use zone. Policies 8.2.1.3 and 8.2.1.4 then relate to the land use outcomes, broadly, that should be enabled within the zone and which might otherwise be used to more directly guide applications for discretionary or non-complying activity resource consent.
220. We find that our recommended text is the most appropriate for reasons of administrative effectiveness and efficiency, and that as notified some of the policies (notably 8.2.1.2 and 8.2.1.3) were not convincingly drawn from the objective they purported to implement.

13.2. Objective 8.2.2 and Policies 8.2.2.1, 8.2.2.2, 8.2.2.3, 8.2.2.4, 8.2.2.5, 8.2.2.6 and 8.2.2.7

221. The notified objective is as follows:

“Objective - Development provides a positive contribution to the environment through quality urban design solutions which complement and enhance local character, heritage and identity.”

222. The notified policies are as follows:

“8.2.2.1 Buildings shall address streets and provide direct connection between front doors and the street, with limited presentation of unarticulated blank walls or facades to the street.

8.2.2.2 Where street activation (by the methods outlined by the Policy above) is not practical due to considerations or constraints such as slope, multiple road frontages, solar orientation, aspect and privacy, as a minimum buildings shall provide some form of visual connection with the street (such as through the inclusion of windows, outdoor living areas, low profile fencing or landscaping).

8.2.2.3 Street frontages shall not be dominated by garaging, parking and accessways.

8.2.2.4 The mass of buildings shall be broken down through variation in facades and materials, roof form, building separation and recessions or other techniques to reduce dominance on streets, parks, and neighbouring properties.

8.2.2.5 Landscaped areas shall be well designed and integrated into the design of developments, providing high amenity spaces for recreation and enjoyment, and to soften the visual impact of development, with particular regard to the street frontage of developments.

8.2.2.6 Development must take account of any design guide or urban design strategy applicable to the area.

8.2.2.7 The amenity and/or environmental values of natural features (such as topography, geology, vegetation, waterways and creeks) are taken into account by site layout and design, and integrated as assets to the development (where appropriate).”

223. Complementing objective 8.2.1, this objective and its policies seek to focus on the built form and spatial qualities that development within the zone should achieve. It is clear that the Council has sought to enable intensification only where the quality of resultant development will be high. We find that this, at a very general level, resonated very positively amongst the submitters and enjoyed widespread support across all of the residential zones.

224. In Ms Leith’s S.42A version, substantial changes were proposed, largely in response to alternative wording proposed by Reddy Group Ltd¹¹³. Other submitters were also interested in these provisions, including M Lawton¹¹⁴, The Jandel Trust¹¹⁵ and FII Holdings Ltd¹¹⁶. The changes were largely in terms of the language used so as to make the provisions clearer.

¹¹³ Submission 699

¹¹⁴ Submission 117

¹¹⁵ Submission 717

¹¹⁶ Submission 847

225. In consideration of these provisions we have considered carefully the submissions made in opposition to the zone¹¹⁷ and its potential density enablement – especially where the land is currently zoned for lesser intensity in the ODP. These submissions can be seen to focus on two key issues of concern. The first relates to infrastructure capacity and we will address that later. The second relates to amenity values and the adverse effects that medium density development could give rise to on the immediate locality.
226. While we have found broad support for the Medium Density Residential zone and, noting that the separate mapping hearings will consider site-specific submissions relating to what zone or zones should apply to land, we agree with those submissions that express concern that, if not well managed medium density housing may result in unacceptable adverse effects. To this end the proposed objective and its policies are an essential plank of the zone’s justification.
227. We do not however accept that densification will inherently or necessarily lead to adverse environmental effects, nor do we consider that any adverse effects will be inherently unacceptable. But we consider that the potential for adverse effects is sufficient that the zone policy framework needs to be clear that a minimum level of quality is to be required.
228. Turning to the provisions themselves, we find that medium density development will often occur in or near neighbourhoods that have been historically developed to a lower density. To that end, we do not consider the blanket maintenance or enhancement of those existing character or amenity values to be justifiable (or achievable). Given that over time a different set of amenity values and built form character qualities will eventuate, the policy target should be that new development contributes to that new high quality character.
229. Our recommended wording for the objective further clarifies the direction we consider Ms Leith was aiming for in her S.42A version. In this respect, we find in agreement with those submissions that support medium density housing in the District¹¹⁸ and the evidence of Mr Falconer on behalf of the Council.
230. In terms of the policies, we agree with Ms Leith and Mr Falconer that the emphasis of new built form character should be public spaces (streets and parks) and this has been made clearer in our recommended provisions. We recommend deletion of notified Policy 8.2.2.6 on the basis that, if the Council determines to progress with design guidelines for the residential zones, it can propose changes to the add policies as part of any future plan variation or change. We also recommend deleting Policy 8.2.2.7. We find that incorporating existing features on a site is not inherently necessary or required, especially if it leads to an inefficient use of land purposefully zoned to accommodate housing. Likewise, we have not been convinced that there is any inherent risk of adverse effects from environmental modification given how urban and modified the character of the zone ins planned to become. In this respect, we consider that the best means of considering very constrained sites where reduction in development

¹¹⁷ Identified in Ms Leith’s Section 42A Report as being Submissions 8 (opposed by FS1029, FS1061, FS1167, FS1189, FS1195, FS1270), 9, 19, 22, 25, 37, 61, 99, 132, 140 (opposed by FS1189 and FS1195), 154, 155, 164, 173 (opposed by FS1251), 181, 190, 199, 204, 210, 221, 244, 261, 264, 265, 269, 304, 317, 341, 423, 479 (opposed by FS1271), 503 (supported by FS1063, opposed by FS1315), 506 (opposed by FS1315 and FS1260, supported by FS1063), 569, 578, 597, 599 (supported by FS1265 and FS1268), 618, 646, 648, 717, 752, 814, 821 (supported by FS1265, FS1268 and FS1063), 824, 847, 130

¹¹⁸ Including submissions 88, 110 (with exception of Scurr Heights), 177 (supported by FS1061), 290 (supported by FS1061), 335, 445 (supported by FS1061), 470, 668 (opposed by FS1271 and 1331), 682, 737 (opposed by FS1276 and FS1251), 751, 773, C Ryan 290 (supported by FS1061), and also as further elaborated in A Leith, Chapter 8 Section 42A Report, Section 10

may be suitable is by way of land use zoning (i. e. to not apply a zone that then cannot be readily developed to its maximum).

231. Our recommended text changes are:

8.2.1 Objective

Development contributes to the creation of a new, high quality built character within the zone through quality urban design solutions which positively respond to the site, neighbourhood and wider context.

Policies

8.2.2.1 *Ensure buildings address streets and other adjacent public spaces, with limited presentation of unarticulated blank walls or facades to the street(s) or public space(s).*

8.2.2.2 *Require visual connection with the street through the inclusion of windows, outdoor living areas, low profile fencing or landscaping.*

8.2.2.3 *Ensure street frontages are not dominated by garaging through consideration of their width, design and proximity to the street boundary.*

8.2.2.4 *Ensure developments reduce visual dominance effects through variation in facades and materials, roof form, building separation and recessions or other techniques.*

8.2.2.5 *Ensure landscaped areas are well designed and integrated into the design of developments, providing high amenity spaces for residents, and to soften the visual impact of development with particular regard any street frontage(s).*

232. Referring to the amended text above, we find that our recommendations are the most appropriate. The provisions have been simplified and reinforce that a high-quality outcome is required of every medium density housing development within the zone. This will avoid the worst potential adverse effects likely from allowing medium density housing to occur close to lower density housing.

13.3. Objective 8.2.3 and Policies 8.2.3.1, 8.2.3.2 and 8.2.3.3

233. The notified objective is as follows:

“Objective - New buildings are designed to reduce the use of energy, water and the generation of waste, and improve overall comfort and health.”

234. The notified policies are as follows:

“8.2.3.1 *Enable a higher density of development and the potential for non-notification of resource consent applications where building form and design is able to achieve certification to a minimum 6-star level using the New Zealand Green Building Council Homestar™ Tool.*

8.2.3.2 *Encourage the timely delivery of more sustainable building forms through limiting the time period in which incentives apply for development which is able to achieve certification to a minimum 6-star level using the New Zealand Green Building Council Homestar™ Tool.*

8.2.3.3 *Development considers methods to improve sustainable living opportunities, such as through the inclusion of facilities or programs for efficient water use, alternative waste management, edible gardening, and active living.”*

235. These provisions sought to incentivise sustainable building practices by providing a variety of rule exemptions (most notably density) for applicants that could meet requirements.
236. Ms Leith, in her Section 42A Report and recommendations, proposed that these provisions be deleted. In support of this she referred to a number of submitters including P Roberts¹¹⁹, R Jewell¹²⁰, P Winstone¹²¹, D & V Caesar¹²², M Lawton¹²³, Dato Tan Chin Nam¹²⁴, Shellmint Proprietary Ltd¹²⁵, Reddy Group Ltd¹²⁶, R & L Kane¹²⁷, and NZIA and Architecture + Women Southern¹²⁸.
237. We identified a number of concerns with these provisions and, in summary, support their deletion.
238. First, in terms of proposed Policy 8.2.3.1, we do not see the nexus between a Homestar rating and the potential environmental effects of a proposal, particularly on any affected parties (given the potential for non-notification identified in the policy). Second, we have been given no meaningful analysis or evidence to demonstrate what actual sustainability benefit would result if the provisions were put in place. Third, we accept and prefer the Council's strategic evidence, to the effect that the most sustainable possible land use pattern, of promoting higher density around nodes that can make a meaningful reduction in daily transport needs, remains the key strategy around which a less energy-intensive way of life could be achieved.
239. In her Section 42A Report, Ms Leith referred to a similar initiative proposed by Auckland Council as part of its Proposed Auckland Unitary Plan process (at her paragraphs 9.31 and 9.32). Whereas Ms Leith disagreed with some of the commentary made by the Auckland Independent Hearings Panel's finding (which was against inclusion of the Homestar tool within the AUP), we do not. Matters relating to the sustainability of construction including materials used and Homestar-type initiatives, sit properly under the Building Act.
240. We do accept and agree with the remaining analysis provided by Ms Leith in her Section 42A Report at paragraphs 9.27 to 9.34, including the concern of submitters that the Homestar incentive approach could unintentionally enable an inappropriate density within the zone, potentially undermining the role of the High Density Residential zone.
241. We consider that removal of these provisions is the most appropriate way of promoting sustainable management within the zone as a whole.

13.4. Objective 8.2.4 and Policies 8.2.4.1, 8.2.4.2 and 8.2.4.3

242. The notified objective is as follows:

¹¹⁹ Submission 172
¹²⁰ Submission 300
¹²¹ Submission 264
¹²² Submission 651
¹²³ Submission 117
¹²⁴ Submission 61
¹²⁵ Submission 97
¹²⁶ Submission 699
¹²⁷ Submission 130
¹²⁸ Submission 238

“Objective - Provide reasonable protection of amenity values, within the context of an increasingly intensified suburban zone where character is changing and higher density housing is sought.”

243. The notified policies are as follows:

“8.2.4.1 Apply recession plane, building height, yard setback, site coverage, and window sill height controls as the primary means of ensuring reasonable protection of neighbours’ privacy and amenity values.

8.2.4.2 Ensure buildings are designed and located to respond positively to site context through methods to maximise solar gain and limit energy costs.

8.2.4.3 Where compliance with design controls is not practical due to site characteristics, development shall be designed to maintain solar gain to adjoining properties.”

244. The purpose of these provisions is to provide a framework to allow intensification to occur while managing adverse effects on neighbours (although in this light policy 8.2.4.2 does not sit comfortably).

245. Ms Leith’s Section 42A Report recommendations broadened the scope of the provisions to also include the amenity values of residents within medium density housing developments in addition to those of neighbours – which would amongst other things address the anomaly of Policy 8.2.4.2 identified above. In arriving at her conclusions, she agreed with points made by Reddy Group Ltd¹²⁹, NZIA and Architecture + Women Southern¹³⁰, The Jandel Trust¹³¹, FII Holdings Ltd¹³², and the Council¹³³.

246. In terms of the objective, we agree that the amenity values of neighbours and locals within the Medium Density Residential zone should be “reasonably maintained” rather than “reasonably protected” given the purpose of the zone to enable change in the built environment by way of intensification and more density. In our view an objective to “protect” is inherently restrictive and in favour of a status quo. We have also agreed with Ms Leith’s use of the words “high quality living environments for residents”, noting that “residents” includes those living in new developments *and* those living around them.

247. We have recommended substantial changes to the policies to make them more clearly focussed on applications for resource consent, and also added a new policy (8.2.3.3 in our Appendix 2, noting that notified Objective 8.2.4 has become 8.2.3 in our recommendations). That policy relates to a specific matter raised in submissions and discussed at the hearing, at Scurr Heights in Wanaka. That is a public access way (Designation 270 in the PDP) and submissions relating primarily to the development control rules (building height) that should apply were received from M Prescott¹³⁴, W Richards¹³⁵ and D Richards¹³⁶. Their preferred relief would be to limit development on the land adjacent to the public walkway.

¹²⁹ Submission 699
¹³⁰ Submission 238
¹³¹ Submission 717
¹³² Submission 847
¹³³ Submission 383
¹³⁴ Submission 73
¹³⁵ Submission 55
¹³⁶ Submission 92

248. The developer of the land in question, Universal Developments Ltd¹³⁷ called evidence from Mr Dan Curly and Mr Tim Williams, and legal submissions from Mr Warwick Goldsmith. In summary Universal Developments Ltd disagreed with Ms Leith's recommended height limitation and considered that there was no need for a restriction on building height.
249. Having considered the matter in light of all evidence, and having visited the most potentially affected part of the walkway ourselves, we find in agreement that development on land immediately adjoining Designation 270 could adversely detract from the very high quality public views down to and across Lake Wanaka in a manner that was not appropriate. To that end, it is not appropriate to introduce rules arbitrarily and instead the policy framework should be the key means of providing for the management of effects. We find that a policy is required to manage the amenity values (public view quality) of people using Designation 270. Having considered the alternative rules packages that might apply, we have determined that the basic zone development control rules are adequate to balance the efficient and reasonable use of Medium Density Residential zoned land with the public amenity and benefits of the walkway's views out over the township. Related to this, we find that the difference between the options we identified, including Ms Leith's and Mr Williams', was not significant once the undulating nature of the land was taken into account. None of the options convincingly addressed the matter of how any land use consent that sought to contravene any first-line rule would be managed (i. e. all suggestions ignored the scenario of development that did not comply with the rules being proposed), and this ultimately led to the need for a specific policy to govern the matter.
250. The text changes we recommend are:

8.2.3 Objective

Development provides high quality living environments for residents and provides reasonable maintenance of amenity values enjoyed on adjoining sites taking into account the changed future character intended within the zone.

Policies

- 8.2.3.1 Apply permitted activity and resource consent requirements based on recession plane, building height, setbacks and site coverage controls as the primary means of ensuring reasonable maintenance of neighbours' privacy and amenity values.
- 8.2.3.2 Where a resource consent is required for new development, reasonably minimise the adverse effects of the new development on the amenity values enjoyed by occupants of adjoining sites, and have particular regard to the maintenance of privacy for occupants of the development site and neighbouring sites through the application of setbacks, offsetting of habitable room windows from one another, screening or other means.
- 8.2.3.3 Ensure development along the western side of Designation 270¹³⁸ has the least possible impact on views from the formed walkway to the west toward Lake Wanaka and beyond, and generally limit development on land immediately adjoining the western side of Designation 270 to the permitted building height, recession plane, site coverage and setback limits (including between units) to achieve this.

¹³⁷ Submitter 177.

¹³⁸ Running south from Aubrey Road, Wanaka

251. We find that the text proposed above is the most appropriate and will ensure that the maintenance of amenity values will be ensured within the zone and between new development and its neighbours in a way that still provides for change and new growth to occur, including in respect of Designation 270.

13.5. Objective 8.2.5 and Policies 8.2.5.1, 8.2.5.2, 8.2.5.3 and 8.2.5.4

252. The notified objective is as follows:

“Objective - Development supports the creation of vibrant, safe and healthy environments.”

253. The notified policies are as follows:

“8.2.5.1 Promote active living through providing or enhancing connections to public places and active transport networks (walkways and cycleways).

8.2.5.2 Design provides a positive connection to the street and public places, and promotes ease of walkability for people of all ages.

8.2.5.3 Walking and cycling is encouraged through provision of bicycle parking and, where appropriate for the scale of activity, end-of-trip facilities (shower cubicles and lockers) for use by staff, guests or customers.

8.2.5.4 Public health and safety is protected through design methods to increase passive surveillance and discourage crime, such as through the provision of security lighting, avoidance of long blank facades, corridors and walkways; and good signage.”

254. These provisions sought to promote walking and cycling, and that development integrates with public spaces.

255. In her Section 42A Report, Ms Leith proposed a relatively minor series of corrections and clarifications to the provisions, including additions in response to the submissions made by Varina Propriety Ltd¹³⁹ relating to non-residential activities.

256. We find that these provisions are unnecessary and duplicate matters specified elsewhere in the chapter. Specifically, Objective 8.2.2 and its policies relate to the visual integration and quality of development adjacent to public spaces. Policy 8.2.2.2 (our version) directly relates to the qualities that promote passive surveillance and positively connecting developments with streets.

257. Overall, we find that these provisions should be deleted from the Plan. Their imprecision and unnecessary repetition muddles the policy framework and would lead to inefficiencies in the District Plan’s implementation. We also have doubt as to how the policies would function in practice, for example Policy 8.2.4.3 describes end-of-trip facilities such as shower cubicles. But there are no rules or general matters of discretion (or reservations of control) proposed that would ever require these, meaning they would function as an additional Council request or point of negotiation for discretionary or non-complying activity applications. This does not in our view seem effective.

¹³⁹ Submission 591

13.6. Objective 8.2.6 and Policies 8.2.6.1, 8.2.6.2 and 8.2.6.3

258. The notified objective is as follows:

“Objective - In Arrowtown medium density development responds sensitively to the town’s character.”

259. The notified policies are as follows:

“8.2.6.1 Notwithstanding the higher density of development anticipated in the zone, development is of a form that is sympathetic to the character of Arrowtown, including its building design and form, scale, layout, and materials in accordance with the Arrowtown Design Guidelines 2006.

8.2.6.2 Flat roofed housing forms are avoided.

8.2.6.3 Medium density housing development responds sensitively to the street and public spaces through the inclusion of landscaping (including small trees and shrubs) to soften increased building mass.”

260. These provisions sought to ensure development in Arrowtown was compatible with the historic character values of the settlement.

261. Ms Leith recommended no changes to these provisions other than an updated reference from the 2006 Arrowtown Design Guidelines to the 2016 version.

262. While submissions were made to Chapter 10 (Arrowtown Residential Historic Management zone) and Variation 1 (Arrowtown Design Guidelines), no specific text-changes were identified in the submissions for these provisions, although P Winstone¹⁴⁰ did challenge whether or not the provisions would be adequate for Arrowtown (and elsewhere).

263. We find, in partial agreement with P Winstone, that these provisions should be clearer and in conjunction with Clause 16(2) clarifications we have proposed a number of changes to the objective and its policies. The effect of the changes we recommend is to make the provisions clearer that new development should be compatible with the town’s existing character. We have also identified that as a part of this, Policy 8.2.6.1 (renumbered 8.2.4.1 in our recommendations) should place greater emphasis on building design and form, and the scale and layout of buildings relative to street frontages. We find that these changes do not materially change the notified provisions, but make them clearer in response to the concerns identified by P Winstone.

264. Our recommended text changes are included below (noting that 8.2.6 becomes 8.2.4). We find that these will be the most appropriate inasmuch as greater clarity in how to manage medium density housing in Arrowtown will result in more effective plan administration. Our recommended text changes are:

8.2.4 Objective

In Arrowtown medium density development occurs in a manner compatible with the town’s existing character.

Policies

¹⁴⁰ Submission 264

- 8.2.4.1 *Ensure development, including infill housing, community activities and commercial development is of a form that is compatible with the existing character of Arrowtown, and as described within the Arrowtown Design Guidelines 2016 with particular regard given to:*
- a. *Building design and form*
 - b. *Scale, layout and relationship of buildings to the street frontage(s)*
 - c. *Materials and landscape response(s) including how landscaping softens the building mass*
 - d. *relative to any street frontage(s).*
- 8.2.4.2 *Avoid flat roofed dwellings in Arrowtown.*

13.7. Objective 8.2.7 and Policies 8.2.7.1, 8.2.7.2, 8.2.7.3, 8.2.7.4 and 8.2.7.5

265. The notified objective is as follows:

“Objective - Ensure medium density development efficiently utilises existing infrastructure and minimises impacts on infrastructure and roading networks.”

266. The notified policies are as follows:

“8.2.7.1 Medium density development is provided close to town centres and local shopping zones to reduce private vehicle movements and maximise walking, cycling and public transport patronage.

8.2.7.2 Medium density development is located in areas that are well serviced by public transport and infrastructure, trail/track networks, and is designed in a manner consistent with the capacity of infrastructure networks.

8.2.7.3 Access and parking is located and designed to optimise efficiency and safety and minimise impacts to on-street parking.

8.2.7.4 A reduction in parking requirements may be considered in Queenstown and Wanaka where a site is located within 400 m of either a bus stop or the edge of a town centre zone.

8.2.7.5 Low impact approaches to storm water management, on-site treatment and storage / dispersal approaches are enabled to limit demands on public infrastructure networks.”

267. These provisions sought to promote the efficient use of infrastructure within the zone. A number of submitters sought changes to the provisions, including Reddy Group Ltd¹⁴¹, JWA and DV Trust¹⁴², NZTA¹⁴³, P Thoreau¹⁴⁴, P Fleming¹⁴⁵, Otago Foundation Trust Board¹⁴⁶, and Ministry of Education¹⁴⁷.

¹⁴¹ Submission 699
¹⁴² Submission 505
¹⁴³ Submission 719
¹⁴⁴ Submission 668
¹⁴⁵ Submission 599
¹⁴⁶ Submission 408
¹⁴⁷ Submission 524

268. Ms Leith's S.42A version included deleting outright Policies 8.2.7.1 and 8.2.7.4. We agree with this. In terms of Policy 8.2.7.1, it addresses and unnecessarily repeats the matters outlined in Objective 8.2.1 and its policies. In terms of Policy 8.2.7.4, we consider that this is a matter that, if appropriate, should sit in the District Plan's transportation provisions. As it stands, it is a policy that does not link to any rules or assessment matters within Chapter 8. In respect of the above, we find that the notified provisions are inefficient and ineffective.
269. For the balance of the provisions Ms Leith's analysis of the submissions led her to propose a number of clarifications and changes. We largely agree with her recommendations including the changes made in recognition of improvements identified by the submitters. However, we have recommended further modifications under Clause 16(2) to further improve their clarity.
270. Our recommended text changes are:

8.2.5 Objective

Development efficiently utilises existing infrastructure and minimises impacts on infrastructure networks.

Policies

- 8.2.5.1 *Ensure access and vehicle parking is located and designed to optimise safety and efficiency of the road network and minimise adverse effects on on-street vehicle parking.*
- 8.2.5.2 *Ensure development is designed consistent with the capacity of existing infrastructure networks and where practicable incorporates low impact approaches to storm water management and efficient use of potable water.*
- 8.2.5.3 *Integrate development with all transport networks and in particular, and where practicable, improve connections to public transport services and active transport networks (tracks, trails, walkways and cycleways).*

†

271. We find that the provisions we recommend above (noting that 8.2.7 is now to be renumbered as 8.2.5) will be both effective and efficient. Changes recommended to (re-numbered) Policies 8.2.5.2 and 8.2.5.3 now distinguish between requirements that are expected to be achieved, followed by proactive opportunities that may or may not be possible on a case by case basis. This in our view offers a balance between minimum acceptable baselines and the more sustainability-based regime supported by the Council. As such, we find that the provisions we recommend to be the most appropriate.

13.8. Objective 8.2.8 and Policies 8.2.8.1, 8.2.8.2 and 8.2.8.3

272. The notified objective is as follows:

"Objective - Provide for community activities and facilities that are generally best located in a residential environment close to residents."

273. The notified policies are as follows:

"8.2.8.1 Enable the establishment of community activities and facilities where adverse effects on residential amenity in terms of noise, traffic, hours of operation, lighting, glare and visual impact can be suitably avoided or mitigated."

8.2.8.2 *Ensure any community uses or facilities are of limited intensity and scale, and generate only small volumes of traffic.*

8.2.8.3 *Ensure any community uses or facilities are of a design, scale and appearance compatible with a residential context.”*

274. These provisions seek to enable community activities within the zone. Key submitters with an interest in these included Ministry of Education¹⁴⁸, and Otago Foundation Trust Board¹⁴⁹. As a result of these submissions and her own editorial suggestions using Clause 16(2), Ms Leith proposed minor changes to these provisions, consistent with those also recommended and discussed for Chapter 7 (see paragraphs 139-141 above).

275. We largely agree with Ms Leith’s recommendation for the objective and first policy, although we recommend changing the ambiguous term “amenity” to “amenity values” given that is a term defined by the Act. In terms of the second policy, Ms Leith recommended deleting this, however we disagree. The policy forms a key means by which proposals for larger-scale community activities can be considered, based on the locality having the ability to absorb the activity and its operational effects. To that end, we recommend it be retained by re-wording it so as to achieve the relief sought by the Otago Foundation Trust Board¹⁵⁰, i. e. a recognition that some community activities within the zone may be neither of limited scale or generate a small amount of traffic, but still be appropriate. In terms of the third policy, we agree with Ms Leith’s recommendation.

276. The text changes we recommend are:

8.2.6 Objective

Community activities serving the needs of people within the zone locate within the zone on sites where adverse effects are compatible with residential amenity values.

Policies

8.2.6.1 *Enable the establishment of community activities where adverse effects on residential amenity values including noise, traffic, lighting, glare and visual impact can be avoided or mitigated.*

8.2.6.2 *Ensure any community activities occur in areas which are capable of accommodating traffic, parking and servicing to a level which maintains residential amenity values.*

8.2.6.3 *Ensure any community activities are of a design, scale and appearance compatible with a residential context.*

277. Overall, we find that the provisions we recommend above (renumbered from 8.2.8 to 8.2.6) to be the most appropriate. They will be efficient inasmuch as they will enable the greatest possible diversity and (albeit by way of consent) opportunity for community activities to occur within the zone, and effective inasmuch as they will limit community activities based on local environmental constraints and adverse effects on residential amenity values.

13.9. Objective 8.2.9 and Policies 8.2.9.1, 8.2.9.2 and 8.2.9.3

278. These provisions were withdrawn from the PDP by the Council on 25 November 2015. We have given them no further consideration.

¹⁴⁸ Submission 524

¹⁴⁹ Submission 408

¹⁵⁰ Ibid

13.10. Objective 8.2.10 and Policies 8.2.10.1, 8.2.10. 2, 8.2.10. 3, 8.2.10. 4, 8.2.10. 5 and 8.2.10.6

279. The notified objective is as follows:

“Objective - Provide for limited small-scale commercial activities where such activities:

- contribute to a diverse residential environment;*
- maintain residential character and amenity; and*
- do not compromise the primary purpose of the zone for residential use.”*

280. The notified policies are as follows:

“8.2.10.1 Commercial activities that directly serve the day-to-day needs of local residents, or enhance social connection and vibrancy of the residential environment may be supported, provided these do not undermine residential amenity, the viability of the zone or a nearby Town Centre.

8.2.10.2 Ensure any commercial development is low scale and intensity and generates small volumes of traffic.

8.2.10.3 Commercial activities which generate adverse noise effects are not supported in the residential environment.

8.2.10.4 Commercial activities are suitably located and designed to maximise or encourage walking, cycling and public transport patronage.

8.2.10.5 Commercial activities are located at ground floor and provide a quality built form which activates the street, and adds visual interest to the urban environment.

8.2.10.6 Ensure any commercial development is of a design, scale and appearance compatible with its surrounding residential context.”

281. These provisions seek to enable commercial activities within the zone provided that they are able to be residentially-compatible and otherwise sit most appropriately within a residential, rather than a commercial centre, location.

282. Although the matter of residential amenity values was of interest to a significant number of submissions generally, few submitters sought specific changes to the proposed text of the objective or its policies. Key submitters were The Jandel Trust¹⁵¹ and FII Holdings Ltd¹⁵². We also note that so some submitters, notably P Winstone¹⁵³, P Swale¹⁵⁴, and L King¹⁵⁵ considered that there should be no commercial activities enabled at all within the zone.

283. We find that commercial activities are appropriate for residential zones generally and the Medium Density Residential zone specifically. They are so commonplace that the idea of a ‘corner dairy’ or café is iconic and inherently forms a part of, in our view, the reasonable and every day conception of residential amenity values (along with periodic construction or traffic noise, visual change as properties are developed or redeveloped, and seasonal changes in

¹⁵¹ Submission 717

¹⁵² Submission 847

¹⁵³ Submission 264

¹⁵⁴ Submission 792

¹⁵⁵ Submission 230

vegetation cover and shading from trees). We do not support those submissions that seek to effectively prohibit or exclude commercial activities entirely from the zone.

284. However, we qualify this by affirming our agreement with Ms Leith and the notified PDP provisions themselves that commercial activities, to be compatible with a residential scale, do need to be effectively managed including by limiting the scale and quantity of such activities.
285. Ms Leith recommended retention of the objective and all six policies, subject to numerous refinements and changes (most in response to Clause 16(2) clarifications and the Panel's own 4th Procedural Minute).
286. We find that the community's wellbeing will be best served by enabling commercial activities within the zone for the reasons that they will help make daily life easier and more convenient, provide local employment opportunities, promote social interaction between residents, and provide additional reasons for residents to walk and cycle in their neighbourhood (a public health benefit). We find that the benefits of appropriately located and scaled commercial activity within the zone are such that slight diminishment of some local amenity values, provided that the full balance of amenity values are, overall, maintained, would be acceptable.
287. To this end, we have considered the submissions, further submissions, notified provisions and Ms Leith's recommendations. We find that the proposed objective is too directive and includes matters that are in our view better suited to a policy level. We have therefore recommended simplifying the objective to focus on commercial activities being of small scale and otherwise having minimal adverse amenity value effects.
288. In terms of the policies, we agree with the first policy and have recommended only minor Clause 16(2) amendments, including the addition of a reference to home occupation activities given that they are a form of commercial activity provided for by the rules framework that should be governed by these provisions. In terms of the second policy we find that it is appropriate to limit the scale of commercial activity. We disagree with the proposed words "small volumes of traffic". This reflects in our view an example of a reasonably clear policy intention (to avoid problematic traffic effects on residential streets) but a use of words that is very ambiguous. For example, "small" could be measured in absolute terms of the number of vehicle trips likely to be generated by an activity, or in a relative sense – such as a "small" percentage of the number of vehicles typically using a given road (allowing a large number of vehicle trips to be generated if the commercial activity was located next to a busy road). Another complicating factor is if the commercial activity in question only generated a very small number of "new" vehicle trips, and otherwise relied on a large number of 'pass by' customers who were already making a vehicle trip elsewhere and hence already going to be using the road - the classic example being a commuter going to work who stops at a corner café to purchase a takeaway cup of coffee.
289. In our overall consideration of this problem we considered whether or not the proposed zone rules helped give meaning to what "small" might mean. No rules are proposed based on traffic generation.
290. We find that, using Clause 16(2) it is possible to clarify the policy, without changing its meaning, to better reflect the Council's intent. To that end we have recommended that the policy be re-worded to focus on the traffic and car parking effects of commercial activity rather than an undefined and difficult to administer benchmark.

291. In terms of the third policy, we find that noise effects from commercial activities are potentially very adverse and need to be well managed. To this end, we recommend further changes under Clause 16(2) to benchmark noise effects to be compatible with the locality and residential amenity values. We find that our recommended wording will be clearer than Ms Leith's more generic preference that commercial noise effects simply be mitigated. As such we also find our recommendations are closer to the notified policy wording than Ms Leith's amended version.
292. We do not support the fourth and fifth policies. These are not supported by any proposed rules and are, in our view unnecessary. In terms of Policy 8.2.10.4, we find that any operator looking to establish a commercial activity within a residential zone will inherently need to carefully consider location based on accessibility, exposure to passing traffic, and customer attraction so as to maximise the likelihood that they will be commercially successful. To this end, we consider the policy to be both ineffective and inefficient. In terms of Policy 8.2.10.5, we consider that this is, in part, repeating the visual and design quality expectations of Policy 8.2.10.6, and is otherwise unnecessary given that a commercial operator would always prefer the commercial advantage of a ground floor location unless, such as in a home occupation, the nature of the operation does not require regular customer access or public interaction. It is as such both repetitive and unnecessary.
293. We agree with the sixth policy as recommended by Ms Leith and find that it is essential in managing the majority of potential effects likely to be generated by commercial activity within the zone.
294. Overall, we therefore recommend simplifying the policies from six to four, and renumbering the objective from 8.2.10 to 8.2.7, all as set below.

8.2.7 Objective

Commercial development is small scale and generates minimal adverse effects on residential amenity values.

Policies

- 8.2.7.1 *Provide for commercial activities, including home occupation activities, that directly serve the day-to-day needs of local residents, or enhance social connection and vibrancy of the residential environment, provided these do not undermine residential amenity values or the viability of any nearby Town Centre.*
- 8.2.7.2 *Ensure that any commercial development is of low scale and intensity, and does not undermine the local transport network or availability of on-street vehicle parking for non-commercial use.*
- 8.2.7.3 *Ensure that the noise effects from commercial activities are compatible with the surrounding environment and residential amenity values.*
- 8.2.7.4 *Ensure that commercial development is of a design, scale and appearance that is compatible with its surrounding residential context.*
295. We find that the revised provisions above are the most appropriate from the point of view of enabling the community's wellbeing, focusing on the adverse effects that are of key potential concern, and ensuring a policy framework that avoids unnecessary repetition. As such, we find our recommended provisions are more effective and efficient than the notified and s. 42A recommended versions.

13.11. Objective 8.2.11 and Policies 8.2.11.1, 8.2.11. 2, 8.2.11. 3, 8.2.11. 4, 8.2.11. 5, 8.2.11.6 and 8.2.11.7

296. These provisions were deferred to the mapping hearings and were not considered further in Stream 6. The text recommended by the Stream 13 Panel is shown in Appendix 2.

13.12. Objective 8.2.12 and Policies 8.2.12.1, 8.2.12.2 and 8.2.12.3

297. These provisions were deferred to the mapping hearings and were not considered further in Stream 6. The text recommended by the Stream 12 Panel is shown in Appendix 2.

13.13. Objective 8.2.13 and Policies 8.2.13.1 and 8.2.13.2

298. The notified objective is as follows:

“Objective – Manage the development of land within noise affected environments to ensure mitigation of noise and reverse sensitivity effects.”

299. The notified policies are as follows:

“8.2.13.1 All new and altered buildings for residential and other noise sensitive activities (including community uses) located within 80 m of the State Highway shall be designed to meet internal sound levels of AS/NZ 2107:2000.

8.2.13.2 Encourage all new and altered buildings containing an Activity Sensitive to Aircraft Noise (ASAN) located within the flight paths of the Queenstown Airport (identified by Figure 1 - Airport Approach and Protection Measures) to be designed and built to achieve an internal design sound level of 40 dB Ldn.”

300. These provisions sought to ensure that land likely to accommodate activities that would be subject to potentially loud noise was being managed so as to ensure the health and wellbeing of any site occupants. Key submissions were from Otago Foundation Trust Board¹⁵⁶, Universal Developments Ltd¹⁵⁷ and NZTA¹⁵⁸. The issues raised in the submissions relates to the rules more than the policies, but are of note focused on the first policy proposed. We also record the assistance of Dr Chiles on behalf of the Council in helping us understand the different qualities of sound effects and acoustic transmission.

301. Ms Leith recommended changes to the first policy, and no changes to either the objective or second policy. Her recommended changes amounted to clarifications of the notified provisions.

302. We find that the objective is appropriate and we support it. In terms of the policies, we consider that both should be retained but be modified. In terms of the first policy and in light of the submitter concerns raised, we find that there is no basis to benchmark an 80m setback distance within the policy itself; that is properly the subject of a rule (proposed Rule 8.5.2 to be precise). We prefer “close to” within the policy itself. We also find that the words “maintain appropriate amenity” recommended by Ms Leith would be better expressed as “maintain reasonable amenity values for occupants”, and have recommended this as a Clause 16(2) clarification. In terms of the second policy, we have recommended a number of minor Clause 16(2) clarifications to bring the language into line with that we have elsewhere determined to be the most appropriate.

¹⁵⁶ Submission 408

¹⁵⁷ Submission 177

¹⁵⁸ Submission 719

303. We have included our recommended text changes below (note that Objective 8.2.13 has been renumbered as 8.2.10). We find that these will be the most appropriate for the reasons that they are clearer and more direct than the notified text and will as such be more effective.

8.2.10 Objective

Manage the development of land within noise affected environments to ensure mitigation of noise and reverse sensitivity effects.

Policies

8.2.10.1 *Require as necessary all new and altered buildings for Activities Sensitive to Road Noise located close to any State Highway to be designed to provide protection from sleep disturbance and to otherwise maintain reasonable amenity values for occupants.*

8.2.10.2 *Require all new and altered buildings containing an Activity Sensitive to Aircraft Noise (ASAN) located within the Queenstown Airport Air Noise Boundary or Outer Control Boundary to be designed and built to achieve an internal design sound level of 40 dB Ldn.*

13.14. Overall Chapter 8 Objectives and Policies

304. We have lastly considered our recommended objectives and policies as a whole and confirm our finding that as a package they will be the most appropriate to promote sustainable management within the Medium Density Residential zone.

14. CHAPTER 9 OBJECTIVES AND POLICIES

14.1. Objective 9.2.1 and Policy 9.2.1.1

305. The notified objective is:

“Objective – High-density housing development and visitor accommodation will occur in urban areas close to town centres, to provide greater housing diversity and respond to strong projected growth in visitor numbers.”

306. The notified policy is:

“9.2.1.1 Provide sufficient high density zoned land with the potential to be developed to greater than two storeys in Queenstown and two storeys in Wanaka to enable diverse housing supply and visitor accommodation close to town centres.”

307. In Ms Banks’ Section 42A Report, no changes were recommended to the provisions. Our own review of the submissions likewise identified no specific changes to the text notified by the Council. We note that those parts of the provisions relating to visitor accommodation were removed by function of Council withdrawal of all visitor accommodation provisions on 25 November 2015.

308. We find that it is desirable that the zone, like the other residential zones, commences with an objective and policies speaking to the distribution and allocation of the zone itself (akin to an instruction for any future plan changes).

309. Having considered the provisions, we propose minor amendments to clarify and improve both the objective and policy under Clause 16(2). Of note, we recommend removing reference from

the policy of the built form outcomes that are expected; that is the subject of different objectives.

310. We have also recommended moving proposed policy 9.2.6.1 and adding it to Objective 9.2.1 as new policy 9.2.1.2. This is because the policy addresses locational matters for high density housing and we consider the Plan would be more legible and administrable if like provisions were grouped together.
311. The changes we recommend are included below:

9.2.1 Objective

High density housing development occurs in urban areas close to town centres, to provide greater housing diversity and respond to expected population growth.

Policies

- 9.2.1.1 *Provide sufficient high density zoned land that enables diverse housing supply and visitor accommodation close to town centres.*
- 9.2.1.2 *Promote high density development close to town centres to reduce private vehicle movements, maximise walking, cycling and public transport patronage and reduce the need for capital expenditure on infrastructure.*

312. Overall, we find that the changes we have recommended will be the most appropriate.

14.2. Objective 9.2.2 and Policies 9.2.2.1, 9.2.2.2, 9.2.2.3, 9.2.2.4, 9.2.2.5, 9.2.2.6 and 9.2.2.7

313. The notified objective is:

“Objective - High-density residential and visitor accommodation development will provide a positive contribution to the environment through design that demonstrates strong urban design principles and seeks to maximise environmental performance.”

314. The notified policies are:

- “9.2.2.1 Buildings shall address streets and other public spaces with active edges with limited presentation of blank and unarticulated walls or facades.*
- 9.2.2.2 Street edges shall not be dominated by garaging, parking and accessways.*
- 9.2.2.3 Where street activation is not practical due to considerations or constraints such as slope, multiple road frontages, solar orientation, aspect and privacy, as a minimum buildings shall provide some form of visual connection with the street (such as through the inclusion of windows, outdoor living areas, low profile fencing or landscaping).*
- 9.2.2.4 The mass of buildings shall be broken down through variation in facades and roof form, building separation or other techniques to reduce dominance impacts on streets, parks and neighbouring properties, as well as creating interesting building forms.*
- 9.2.2.5 Ensure well designed landscaped areas are integrated into the design of developments and add meaningfully to the amenity of the development for residents, neighbours and the wider public.*

9.2.2.6 *Ensure buildings are designed and located to respond positively to site context through methods to maximise solar gain and limit energy costs.*

9.2.2.7 *Incentivise greater building height where development is designed to achieve a high environmental performance.”*

315. The above provisions seek to ensure that high density housing achieves a suitable level of urban design quality. Policy 9.2.2.7 addresses building sustainability and building height. As such, these provisions are particularly important in the context of ensuring the environmental effects of larger-scaled and higher-density buildings be suitably managed.
316. As has been the case in the other residential zones, the matter of quality and amenity values was of keen interest to submitters. Key submitters relevant to these proposed provisions were NZIA¹⁵⁹ and Pounamu Body Corporate Committee¹⁶⁰. In Ms Banks’ recommendations, the objective and seventh policy would be subject to minor modification; the remaining policies were left unchanged.
317. We refer at this juncture to paragraphs 131-140 earlier, detailing our analysis of submissions seeking a greater role for design guidelines, criteria and the Council’s Urban Design Panel. This was a key issue of interest for submitters in the High Density Residential zone. In addition to that general discussion, in Ms Banks’ Section 42A Report she provided her opinion on the recommendation of Mr Falconer that all proposals of 6 or more units be required to be presented to the Council’s Urban Design Panel, with that Panel further supported by potential non-notification incentives for applications that have been to (and presumably are supported by) the Panel. Ms Banks did not agree with Mr Falconer.
318. We prefer Ms Banks’ analysis on these matters although note that we have no opinion on what applications the Council may wish to present to its Urban Design Panel. We do not support a greater role for the Urban Design Panel at this time and note that we have received no useful evidence on the Panel’s composition, expertise or training from the point of view of its ability to make resource management decisions instead of its current mandate.
319. In terms of the provisions, we find that the expectation that larger, higher density developments achieve a reasonably high standard of design quality, both visually and functionally, is well founded. It relates directly to the increased potential for problematic adverse effects that occurs when developments get larger, or the space between people reduced (or both). We also find that the locational quality of the High Density Residential zone, being closely associated with the District’s town centres, is a further justification for design quality due to the likelihood that visitors will be exposed to developments within the zone and how that exposure will contribute to their perceptions of Queenstown and/or Wanaka. To this end, we endorse Ms Banks’ agreement (in part) with NZIA¹⁶¹ that design quality should be more explicitly set out within the provisions.
320. In terms of the policies, we consider that they can be substantially simplified and we have recommended that this occur relying on Clause 16(2). In essence, we find that the provisions should be clear on what design outcomes are required within the zone including landscaping, modulation and articulation of building forms, activation and visual interest along streets and open spaces, and managing garages and parking areas along frontages. We note however that

¹⁵⁹ Submission 238

¹⁶⁰ Submission 208

¹⁶¹ Submission 238

the above is limited to design qualities that need to be achieved; we find that the Plan should not go so far as to specify a required means to achieve those qualities.

321. We also agree with NZIA¹⁶² in its submission that design quality should be a matter added to Policy 9.2.2.7 that could justify additional building height. In fact, we find that design quality is a more defensible and appropriate matter to relate with additional height (given the likelihood that environmental effects of each will directly relate to one another) than general environmental responsiveness. To this end, we recommend rewording the policy to reflect this. We also note our finding that the additional words “and effects can be avoided, remedied or mitigated” proposed by Ms Banks for the end of the policy in response to the Pounamu Body Corporate Committee¹⁶³ submission are not necessary. The Act already requires that adverse effects be avoided, remedied or mitigated and this is a key matter for consideration during the section 104 (and where applicable section 104D) tests that applications for resource consent are subjected to. There is in our view little need to repeat in the District Plan what the Act already requires, and, as discussed in other Reports, particularly Report 3 on the Strategic Chapters, it provides no assistance to a user of the Plan.
322. In terms of our recommendations, we have simplified the policies from seven to two, although have added four distinct matters to one of those. In our view the recommended changes have a similar effect to Ms Banks’ S42A version but are clearer and simplified. We consider that due to that simplification they are the most appropriate. The recommended wording is included below:

9.2.2 Objective

High density residential development provides a positive contribution to the environment through quality urban design.

Policies

- 9.2.2.1 *Require that development within the zone responds to its context, with a particular emphasis on the following essential built form outcomes:*
- *Achieving high levels of visual interest and avoiding blank or unarticulated walls or facades.*
 - *Achieving well-overlooked, activated streets and public open spaces, including by not visually or spatially dominating street edges with garaging, parking or access ways.*
 - *Achieving a variation and modulation in building mass, including roof forms.*
 - *Use landscaped areas to add to the visual amenity values of the development for on-site residents or visitors, neighbours, and the wider public.*
- 9.2.2.2 *Support greater building height where development is designed to achieve an exemplary standard of quality, including its environmental sustainability.*

14.3. Objective 9.2.3 and Policies 9.2.3.1 and 9.2.3.2

323. The notified objective is:

“Objective – A reasonable degree of protection of amenity values will be provided, within the context of an increasingly intensified and urban zone where character is changing.”

324. The notified policies are:

¹⁶² Submission 238

¹⁶³ Submission 208

“9.2.3.1 Apply recession plane, building height, floor area ratio, yard setback and site coverage controls as the primary means of limiting overly intensive development and ensuring reasonable protection of neighbours’ outlook, sunshine and light access, and privacy.

9.2.3.2 Ensure that where development standards are breached, impacts on the amenity values of neighbouring properties, and on public views (especially towards lakes and mountains), are no more than minor relative to a complying development scenario.”

325. These provisions seek to ensure that the environmental effects of High Density Residential development will be managed as they relate to neighbouring sites. Key submitters included Pounamu Body Corporate Committee¹⁶⁴, Fred van Brandenburg¹⁶⁵, and the Council¹⁶⁶. In response to the submissions, as well as the Panel’s 4th Procedural Minute, Ms Banks recommended no changes to the objective, changes to the two policies, and addition of a new third policy.

326. We find that, as has been the case with the Low Density and Medium Density Residential zones, objectives and policies focused on managing the effects of development at its edges, including neighbours, is well-grounded and appropriate. However, our evaluation of these specific provisions has identified a number of concerns with the proposed text.

327. In terms of the objective, we find that there is an incompatibility between the protection of amenity values for existing neighbours and substantial change within the zone around them. This is analogous with the issue discussed in Chapter 8 around notified objective 8. 2. 4 (see paragraphs 241-250 above). “Protection” is furthermore undermined by the words “reasonable degree”, which effectively means that “protection” in what we consider to be its plain and everyday meaning of the word is not what is actually sought from the objective.

328. We find that an alternative wording, as set out below, to be the clearer and more accurate depiction of what is sought.

9.2.3 Objective

High density residential development maintains a minimum level of existing amenity values for neighbouring sites as part of positively contributing to the urban amenity values sought within the zone.

329. Following on from this we find that the objective should be clearer that, in the zone, substantial change is anticipated and that as this change occurs a new urban character will be established. This will result in some amenity values being enhanced and others being diminished. We find that those being diminished should be safeguarded to a minimum acceptable level so as to maintain, overall, the amenity values of neighbours.

330. In terms of the first policy, we do not consider it has been correctly written. The Act provides for development control rules as means to differentiate different activity status categories. While it is possible to use rules to demarcate the limit of tolerable adverse effects we have been given no evidence to demonstrate that the proposed development control rules will

¹⁶⁴ Submission 208

¹⁶⁵ Submission 520

¹⁶⁶ Submission 383

achieve this or how. We prefer the interpretation of the rules as an indicator of potential adverse effects, but primarily a means to determine what process should be followed to evaluate the merits of a development proposal by way of a permitted activity or a resource consent application.

331. We also consider that there is an inherent effects trade-off between the proposed rules. A deliberate contravention of, for instance, building height so as to achieve a much greater horizontal building setback than otherwise required, may result in a notably better outcome for a neighbour than simply designing to the rule with less height but buildings closer to boundaries. A policy approach that simply required rule compliance would not enable such a practical effects-based outcome.
332. For these reasons, we consider that 'effects based management' does not in any reliable way relate to 'rules based management'. To this end we have recommended a number of Clause 16(2) revisions to the policy so as to correctly cast it against the objective. These changes would recognise that while the development control rules are important to ensure a minimum acceptable level of amenity values are maintained for neighbours, they are not the only acceptable or even the best solution.
333. In terms of the second policy, we find that the policy should be substantially reworded. First, there is no need to refer to instances where rules are being breached; this is self-evident. Second, the overall requirement of "adequately mitigated" is very ambiguous in terms of how much "mitigation" is warranted (whereby 100% mitigation amounts to avoidance of any effect, and 1% mitigation amounts to a significant diminishment of the view in question). Lastly, the onus on height contraventions to be tested against public views, when this is not so in any of the other residential zones, is anomalous as well as unjustified in terms of the importance of the zone to accommodate substantial growth in the District. We find that where significant public views are worthy of recognition and possible retention, specific provisions should be in place for this such as has occurred in the Medium Density Residential zone in the context of Scurr Heights / Designation 270 (see paragraphs 241-250 above). We find that the policy should be revised to focus on its key message, being the need to ensure that the amenity values of neighbours (which could include a street or park and users of those) are adequately maintained.
334. In terms of the additional third policy recommended by Ms Banks, we find that there is a strong case for its inclusion given the purpose of the objective and how important privacy is to assure residential amenity values. However, we find that the recommended wording be revised to sharpen it (for example, privacy is ultimately a quality enjoyed by people, not 'sites' or 'units' generically).
335. Our recommended wording for the policies is set out below.

Policies

- 9.2.3.1 *Apply recession plane, building height, yard setback and site coverage controls as the primary means of ensuring a minimum level of neighbours' outlook, sunshine and light access, and privacy will be maintained, while acknowledging that through an application for land use consent an outcome superior to that likely to result from strict compliance with the controls may well be identified.*
- 9.2.3.2 *Ensure the amenity values of neighbours are adequately maintained*
- 9.2.3.3 *Ensure built form achieves privacy for occupants of the subject site and neighbouring residential sites and units, including through the use of building*

setbacks, offsetting habitable windows from one another, screening, or other means.

336. We find that they are the most appropriate inasmuch as they will ensure an adequate maintenance of amenity values is provided for in a way that will still support the primary purpose of the zone to accommodate substantial growth around the District's Town Centres.

14.4. Objective 9.2.4 and Policy 9.2.4.1

337. The notified objective is:

"Objective – Provide for community facilities and activities that are generally best located in a residential environment close to residents."

338. The notified policy is:

"9.2.4.1 Enable the establishment of community facilities and activities where adverse effects on residential amenity values such as noise, traffic and visual impact can be avoided or mitigated."

339. These provisions seek to provide for community activities within the zone. They were not the subject of any particular submission (although similar provisions on the (renamed) Lower Density Suburban Residential and Medium Density Residential zones were subject to submissions). In her Section 42A Report, Ms Banks recommended changes to the provisions on the basis of the Panel's 4th Procedural Minute, as well as a Clause 16(2) revision, to bring the provisions into alignment with what the reporting officers had recommended for the other residential zones.
340. We find that we have scope to make limited changes to these provisions on the basis of the general submissions made seeking that the zone's ability to accommodate growth be maximised, and also those submissions seeking changes to how community activities and facilities were treated in the (renamed) Lower Density Suburban Residential and Medium Density Residential zones.
341. In terms of the change from "community facilities and activities", we note that while the submissions made by Ministry of Education¹⁶⁷ and Otago Foundation Trust Board¹⁶⁸ made specific reference to the notified Low and Medium Density Residential zones, their submissions were cast more at how these activities should be classified in the Plan generally. We furthermore consider that Clause 16(2) can also be used to justify a change to "community activities" as a consequential clarification that does not change the practical meaning of the Plan's provisions.
342. Of greater substance, we have reflected on the open-ended nature of the provisions in light of the importance of the zone to accommodate high density residential development. We find that the provisions should specify "small scale" so as to reinforce that it is not anticipated, for instance, that a substantial community activity occupying most of a block should locate within the zone. We consider that this change, in the context of a blanket discretionary activity requirement for community activities, will better serve the zone and bring community activities into line with the same approach taken for commercial activities.

¹⁶⁷ Submission 524

¹⁶⁸ Submission 408

343. We have included our recommended wording below. We find that it is the most appropriate for reasons of clarity, effectiveness and to support the broader zone framework of the Plan.

9.2.4 Objective

Small-scale community activities are provided for where they are best located in a residential environment close to residents.

Policies

9.2.4.1 *Enable the establishment of small-scale community activities where adverse effects on residential amenity values such as noise, traffic and visual impact can be avoided or mitigated.*

14.5. Objective 9.2.5 and Policies 9.2.5.1 and 9.2.5.2

344. The notified objective is:

“Objective – Generally discourage commercial development except when it is small scale and generates minimal amenity impacts.”

345. The notified policies are:

“9.2.5.1 Ensure any commercial development is low scale, is of limited intensity, and generates small volumes of traffic.

9.2.5.2 Ensure any commercial development is of a design, scale and appearance compatible with its context.”

346. The provisions seek to enable limited commercial activity within the zone. In her s. 42A report Ms Banks recommended no changes to the provisions on the basis of submissions, and a minor change to the objective arising from the Panel’s 4th Procedural Minute.

347. We find that the provisions are generally appropriate however we have recommended minor rewording under Clause 16(2) to improve their clarity and bring them into line with similar provisions within the Medium Density Residential Zone (renumbered Objective 8.2.7 in our recommendations).

348. Our preferred wording is included below. We find that it is the most appropriate on the basis that it improves the S.42A version and is more consistent with the approach recommended for the Medium Density Residential Zone.

9.2.5 Objective

Commercial development is small scale and generates minimal amenity value impacts.

Policies

9.2.5.1 *Ensure that any commercial development is of low scale and intensity, and does not undermine the local transport network or availability of on-street vehicle parking for non-commercial use.*

9.2.5.2 *Ensure that any commercial development is of a design, scale and appearance compatible with its surrounding context.*

14.6. Objective 9.2.6 and Policies 9.2.6.1, 9.2.6.2, 9.2.6.3, 9.2.6.4, 9.2.6.5, 9.2.6.6 and 9.2.6.7

349. The notified objective is:

“Objective - High-density residential development will efficiently utilise existing infrastructure and minimise impacts on infrastructure and roading networks.”

350. The notified policies are:

“9.2.6.1 Promote high-density development close to town centres to reduce private vehicle movements, maximise walking, cycling and public transport patronage and reduce the need for capital expenditure on infrastructure.

9.2.6.2 Development supports active living through providing or enhancing connections to public places and active transport networks (walkways, trails and cycleways).

9.2.6.3 Development provides facilities to encourage walking and cycling, such as provision of bicycle parking spaces and, where appropriate for the scale of activity, end-of-trip facilities (shower cubicles and lockers).

9.2.6.4 Ensure access and parking is located and designed to optimise connectivity, efficiency and safety.

9.2.6.5 Enable development to provide a lower provision of on-site parking than would otherwise be anticipated, where the activity has characteristics that justify this, or travel plans can adequately demonstrate approaches that mitigate a lower parking provision.

9.2.6.6 Site layout and design provides low impact approaches to storm water management through providing permeable surface on site and the use of a variety of stormwater management measures.

9.2.6.7 A reduction in parking requirements may be considered in Queenstown and Wanaka where a site is located within 400 m of a bus stop or the edge of a town centre zone.”

351. The above provisions seek to ensure that development within the zone makes efficient use of network infrastructure and contributes to improvements (particularly to transport networks) where practicable. Key submissions relevant to the text were from Otago Regional Council¹⁶⁹, NZTA¹⁷⁰, E Spijkerbosch¹⁷¹, P Greg¹⁷², Villa Del Lago¹⁷³, and Transpower¹⁷⁴. In response to the submissions, further submissions and Panel’s Minutes, Ms Banks recommended changes be made to the objective and two of the policies.

352. As noted earlier, we find that Policy 9.2.6.1 relates better to Objective 9.2.1 and we have recommended relocating it. We also find that Policy 9.2.6.7 is not appropriate. It is not supported by any other provisions within the zone and while possibly justifiable within the Chapter 29 (Transport), we do not agree that it relates to the land use issues addressed in the High Density Residential zone. We also note that in the Medium Density Residential zone, Ms

¹⁶⁹ Submission 798

¹⁷⁰ Submission 719

¹⁷¹ Submission 1059

¹⁷² Submission 1288

¹⁷³ Submission 380

¹⁷⁴ Submission 805

Leith recommended deletion of a policy analogous to Policy 9.2.6.7 (notified Policy 8.2.7.4) and we agreed with that. It is in our view desirable to promote a consistent approach to like issues across a Plan and this is another factor that led us to not support Policy 9.2.6.7. However no submissions sought any changes to this policy. In addition, the Council proposes varying this policy in the Stage 2 variations to extend the distance within which parking requirement reductions may be considered. Thus we have left it unaltered, but renumbered.

353. In terms of the remaining provisions, we largely find in agreement with Ms Banks, although we recommend deleting policy 9.2.6.5 because it can be amalgamated with policy 9.2.6.4. We have however recommended minor editorial revisions to make the policies clearer.
354. Our recommended changes are included below. These represent what we find at the most appropriate provisions, subject to our comments on recommended Policy 9.2.6.5.

92.6 Objective

High density residential development will efficiently utilise existing infrastructure and minimise impacts on infrastructure and transport networks.

Policies

- 9.2.6.1 *Require development to provide or enhance connections to public places and active transport networks (walkways, trails and cycleways) where appropriate.*
- 9.2.6.2 *Require development to provide facilities to encourage walking and cycling where appropriate.*
- 9.2.6.3 *Ensure access and parking is located and designed to optimise the connectivity, efficiency and safety of the district's transport networks, including the consideration of a reduction in required car parking where it can be demonstrated that this is appropriate. [*
- 9.2.6.4 *Require the site layout and design of development provides low impact approaches to storm water management through providing permeable surface areas on site and the use of a variety of stormwater management measures.*
- 9.2.6.5 *A reduction in parking requirements may be considered in Queenstown and Wanaka where a site is located within 400¹⁷⁵ m of a bus stop or the edge of a Town Centre Zone.*

14.7. Objective 9.2. 7 and Policy 9.2.7.1

355. Through the section 42A process, Ms Banks recommended addition of a new objective and policy relating to development within noise-affected environments in response to the submission of NZTA¹⁷⁶. This is assessed in detail in paragraphs 11.11-11.15 in Ms Banks Section 42A Report.
356. We note that in the Medium Density Residential zone notified Objective 8.2.13 and its policies had an effect similar to that now recommended in the High Density Residential zone by Ms Banks.
357. We find that the new provisions are appropriate although we have recommended that the wording be amended to match what we determined was most appropriate for Policy 8.2.10.1 (our recommended numbering). These are set out below and are in our view the most appropriate for reasons or providing for the acoustic health, safety and amenity values of persons living close to State Highways.

¹⁷⁵ Varied by Variation 2 and not part of our recommendation

¹⁷⁶ Submission 719

9.2.7 Objective

Manage the development of land within noise affected environments to ensure mitigation of noise and reverse sensitivity effects.

Policies

9.2.7.1 *Require as necessary all new and altered buildings for Activities Sensitive to Road Noise located close to any State Highway to be designed to provide protection from sleep disturbance and to otherwise maintain reasonable amenity values for occupants.*

14.8. Overall Chapter 9 Objectives and Policies

358. We have lastly considered our recommended objectives and policies as a whole and confirm our finding that as a package they will be the most appropriate to promote sustainable management within the High Density Residential Zone.

15. CHAPTER 10 OBJECTIVES AND POLICIES

15.1. Objective 10.2.1 and policies 10.2.1.1, 10.2.1.2 and 10.2.1.3

359. The notified objective is:

“Objective – Ensure development retains or enhances the historic character of the zone, which is characterised by larger section sizes, low scale and single storey buildings, the strong presence of trees and vegetation and limited hard paving.”

360. The notified policies are:

“10.2.1.1 Apply particular development controls around building location, scale and appearance, and landscaped areas, to ensure the special character of the area is retained or enhanced.

10.2.1.2 Ensure that any buildings are located and designed in a manner that complements and respects the character of the area and are consistent with the outcomes sought by the Arrowtown Design Guidelines 2006.

10.2.1.3 Control the subdivision of land and regulate density to ensure the character resulting from the existing large lot sizes and historical subdivision pattern is retained.”

361. In Ms Law’s Section 42A Report, no changes to the above provisions were recommended on the basis of submissions received. She recommended minor changes on the basis of the Panel’s 4th Procedural Minute and to otherwise improve the clarity of Policy 10.2.1.1.

362. We find that Ms Law’s recommendations are appropriate and subject to minor modification under Clause 16(2) we adopt them (including the addition of the words “amenity values” to the objective.) However, we also find that, as will be discussed later, Objective 10.25 is overly repetitive of this objective and should be deleted, with notified policies 10.5.2 and 10.2.5.3 relocated to sit under objective 10.2.1 as new policies 10.2.1.3 and 10.2.1.4. This is also the justification for adding the words “amenity values” to objective 10.2.1.

363. Our recommended text changes are:

10.2.1 Objective

Development retains or enhances the historic character and amenity values of the zone, which is characterised by larger site sizes, low scale and single storey buildings, the presence of trees and vegetation and limited hard paving.

Policies

10.2.1.1 *Apply development controls around building location, scale and appearance, and landscaped areas, to ensure the special character of the area is retained or enhanced.*

10.2.1.2 *Ensure that buildings are located and designed in a manner that complements the character of the area, as described within the Arrowtown Design Guidelines 2016.*

10.2.1.3 *Control the subdivision of land and regulate density to ensure the character resulting from the existing large lot sizes and historical subdivision pattern is retained.*

10.2.1.5 *Ensure that any commercial and non-residential activities, including restaurants, maintain or enhance the amenity, quality and character of the zone and surrounding area.*

10.2.1.6 *Avoid non-residential activities that would undermine the amenity of the zone or the vitality of Arrowtown's commercial zone.*

364. With reference to the provisions set out above, we find that the changes we recommend are the most appropriate. They will set out a framework that will ensure the character and amenity values that the Arrowtown community derives substantial wellbeing from will be maintained or enhanced.

15.2. Objective 10.2.2 and Policy 10.2.2.1

365. The notified objective is:

"Objective - Enable residential flats as a means of providing affordable housing while generating minimal adverse effects on amenity values."

366. The notified policy is:

"10.2.2.1 Provide for residential flats of a compact size that do not compromise the integrity of the zone's special character."

367. In Ms Law's Section 42A Report, she identified no relevant submissions on these provisions and recommended only a minor grammatical change in response to the Panel's 4th Procedural Minute. Our own review of the submissions has also not identified any submissions specific to residential flats within this particular zone (we discussed residential flats in the context of Chapter 7 earlier).

368. However, in consideration of the other residential zones, no other objectives or policies specific to residential flats are proposed and we have no information why the Arrowtown Residential Historic Management zone should. **As is further discussed in the separate Definitions report (Report 14)**, the Council now proposes to provide for residential flats as an inherent part of the definition of a residential unit. On the basis that residential flats would therefore be provided for as a part of residential units, there is no need for separate objectives and policies addressing residential flats. We find that the objective and policy should be

deleted on the basis that the provisions have become obsolete, inefficient, and - due to a risk of creating user confusion, ineffective.

369. We consider the provisions can be deleted under Clause 16(2) as a consequential amendment to the recommendations made in the Stream 10 Report on definitions (Report 14), given that they do not change the actual meaning or effect of the Plan's provisions as a whole.

15.3. Objective 10.2.3 and Policy 10.2.3.1

370. The notified objective is:

"Objective - Provide for community activities and services that are generally best located in a residential environment close to residents."

371. The notified policy is:

"10.2.3.1 Enable the establishment of small scale community facilities and activities where adverse effects on the character and amenity values of the area in terms of noise, traffic and visual impact can be avoided or mitigated."

372. In Ms Law's Section 42A Report, she identified no relevant submissions on these provisions and recommended only a minor grammatical change in response to the Panel's 4th Procedural Minute. Our own review of the submissions has also not identified any submissions specific to community activities within this particular zone (we discussed the merits of "community facilities and activities" and "community activities" in the context of Chapter 7 and also Chapters 8 and 9 earlier).

373. We agree with Ms Law's recommendations and note our view that the Plan should be consistent in how it describes community activities. We find that these changes can be made under Clause 16(2) given that they do not materially change the District Plan's meaning or effect. Our recommended changes are proposed below (noting that notified Objective 10.2.3 becomes 10.2.2):

10.2.2 Objective

Community activities that are best suited to a location within a residential environment close to residents are provided for.

Policies

10.2.2.1 Enable the establishment of small scale community activities where adverse effects on the character and amenity values of the area in terms of noise, traffic and visual impact can be avoided or mitigated.

15.4. Objective 10.2.4 and Policies 10.2.4.1 and 10.2.4.2

374. The notified objective is:

"Objective - Ensure development efficiently utilises existing infrastructure and minimises impacts on infrastructure and roading networks."

375. The notified policies are:

"10.2.4.1 Ensure access and parking is located and designed to optimise efficiency and safety, and designed in sympathy with the character of the area."

10.2.4.2 Seek low impact approaches to storm water management.”

376. In Ms Law’s Section 42A Report, she identified no relevant submissions on these provisions and recommended only a minor grammatical change in response to the Panel’s 4th Procedural Minute. Our own review of the submissions has also not identified any submissions specific to community activities within this particular zone (we discussed the merits of infrastructure efficiencies in similar objectives and policies previously in the context of Chapters 7, 8 and 9).
377. We largely agree with Ms Law although we have made further recommendations to simplify the text as well as bring it into line with text recommended in the other residential zones. We have of note recommended that the word “encourage” be added at the commencement of the second policy given that the notified word “seek” is ambiguous in terms of whether it is intended to have a meaning closer to “require”, or one closer to “encourage”. We have determined the latter given that there are no rules or assessment matters proposed that would require low impact solutions. On this basis, we consider that the change qualifies as a Clause 16(2) change and no further analysis is required. Our recommended changes are set out below (noting that Objective 10.2.4 would now become Objective 10.2.3).

10.2.3 Objective

Development efficiently utilises existing infrastructure and otherwise minimises impacts on infrastructure and road networks.

Policies

- 10.2.3.1 *Ensure vehicle access and parking is located and designed to optimise efficiency and safety, and designed in sympathy with the character of the area.*
- 10.2.3.2 *Encourage low impact approaches to storm water management.*

15.5. Objective 10.2 5 and Policies 10.2.5.1, 10.2 5.2 and 10.2.5.3

378. The notified objective is:

“Objective – Maintain residential character and amenity.”

379. The notified policies are:

- “10.2.5.1 The bulk, scale and intensity of buildings used for visitor accommodation activities are to be commensurate with the anticipated development of the zone and surrounding residential activities.*
- 10.2.5.2 Ensure that any commercial and non-residential activities, including restaurants or visitor accommodation, maintain or enhance the amenity, quality and character of the zone and surrounding area.*
- 10.2.5.3 Avoid non-residential activity that would undermine the amenity of the zone or the vitality of Arrowtown’s commercial zone.”*

380. In Ms Law’s Section 42A Report, she identified no relevant submissions on these provisions and recommended only a minor grammatical change in response to the Panel’s 4th Procedural Minute. Our own review of the submissions has also not identified any submissions specific to these provisions, although we do acknowledge those more general submissions emphasising the importance of historic heritage, built character and amenity values within

Arrowtown. We note that Policy 10.2.5.1 was withdrawn by the Council on 25 November 2015 as part of its general withdrawal of Visitor Accommodation provisions. We have given that notified policy no further consideration.

381. We find that the objective substantially overlaps with objective 10.2.1 to the point that it is unnecessarily repetitious. As discussed earlier, we recommend merging this objective with Objective 10.2.1 and as part of this relocating its two remaining policies to also sit under Objective 10.2.1. These changes, set out earlier in paragraph 362 and in Appendix 4, will make the Plan more administratively efficient and concise. On that basis, we find they will be the most appropriate.

15.6. Objective 10.2.6 and Policies 10.2.6.1, 10.2.6.2 and 10.2.6.3

382. The notified objective is:

“Objective - The Arrowtown Town Centre Transition Overlay provides for non-residential activities that provide local employment and commercial services to support the role of the Town Centre Zone.”

383. The notified policies are:

“10.2.6.1 Provide for commercial activities that are compatible with the established residential scale, character and historical pattern of development within the Arrowtown Town Centre Transition Overlay.

10.2.6.2 Limit retailing in the Town Centre Transition Overlay to ensure that the Town Centre Zone remains the principal focus for Arrowtown’s retail activities.

10.2.6.3 Development is sympathetic to the historical pattern of development and building scale.”

384. In Ms Law’s Section 42A Report, she identified no relevant submissions on these provisions and recommended no changes to the text. Our own review of the submissions has also not identified any submissions specific to these provisions, although we do acknowledge those more general submissions emphasising the importance of historic heritage, built character and amenity values within Arrowtown.

385. We find that the provisions are appropriate however the third policy unnecessarily repeats the first and on that basis it should be deleted as a Clause 16(2) clarification. As we have effectively adopted the Council’s recommendation for these provisions, no further analysis under section 32AA is required.

386. Our recommended text changes are below (noting that notified Objective 10.2.6 becomes Objective 10.2.4 in our recommendations).

10.2.4 Objective

The Arrowtown Town Centre Transition Overlay provides for non-residential activities that provide local employment and commercial services to support the role of the Town Centre Zone.

Policies

10.2.4.1 *Provide for commercial activities that are compatible with the established residential scale, character and historical pattern of development within the Arrowtown Town Centre Transition Overlay.*

10 2 4.2 *Limit retailing in the Town Centre Transition Overlay to ensure that the Town Centre Zone remains the principal focus for Arrowtown’s retail activities.*

15.7. Overall Chapter 10 Objectives and Policies

387. We have lastly considered our recommended objectives and policies as a whole and confirm our finding that as a package they will be the most appropriate to promote sustainable management within the Arrowtown Residential Historic Management Zone.

16. CHAPTER 11 OBJECTIVES AND POLICIES

16.1. Objective 11.2.1 and Policies 11.2.1.1, 11.2.1.2, 11.2.1.3, 11.2.1.4 and 11.2.1.5

388. The notified objective is:

“Objective - High levels of residential amenity within the Large Lot Residential Zone.”

389. The notified policies are:

“11.2.1.1 Maintain character and amenity through minimum allotment sizes, with particular emphasis on maintaining the character and amenity of established areas.

11.2.1.2 Recognise opportunities for infill and subdivision to higher densities providing the amenity, open character and privacy of established neighbourhoods are not degraded and opportunities for garden and landscape plantings are retained.

11.2.1.3 Maintain and enhance residential character and high amenity values by controlling the colour, scale, location and height of buildings, and in certain locations or circumstances require landscaping and vegetation controls.

11.2.1.4 Control lighting to avoid glare to other properties, roads, public places and the night sky.

11.2.1.5 Have regard to fire risk from vegetation and the potential risk to people and buildings, when assessing subdivision, development and any landscaping.”

390. The above provisions sought to ensure that the amenity values of the zone were maintained through enabling a management framework based on development requirements.

391. As discussed earlier at the zone purpose, a number of submitters sought a reasonably substantial change to the zone by way of a change to the required minimum lot size from 4,000 square metres to 2,000 square metres¹⁷⁷. Our discussions with the Council’s witnesses identified that the urban design expert Mr Falconer agreed with this change primarily on the basis that it would most efficiently utilise the land within the zone in a way that would still achieve the character and amenity values that were in his view sought¹⁷⁸. In her Section 42A

¹⁷⁷ Submissions 322 (supported by FS1110, FS1126, FS1140, FS1198, FS1207 and FS1332), 687 (supported by FS1111 and FS1207), 166 (supported by FS1110, FS1111, FS1126, FS1140, FS1198, FS1207 and FS1332), 293 (supported by FS1110, FS1111, FS1126, FS1140, FS1198, FS1207, FS1332), 299, 335, 812 (supported by FS1110, FS1111, FS1126, FS1140, FS1198, FS1207, FS1332)

¹⁷⁸ G Falconer, Verbal answers to the Panel, Stream 6 Hearing.

Report and recommendations, Ms Leith did not agree with this change, and instead recommended that the zone could be split into two sub-zones.

392. We agree with Ms Leith's sub-zone method but find that the balance of evidence supports the 'principal' zone standard should be 2,000m² minimum area per site (sub-zone 'Area A'), with the larger 4,000m² minimum applying to those parts of the zone subject to particular environmental constraints (sub-zone 'Area B'). The disposition of the two sub-zones is shown on the recommended Planning Maps.
393. This has allowed us to retain the framework proposed by Ms Leith subject to necessary revisions to 'switch' the emphasis she had recommended. We have also recommended a number of other refinements under Clause 16(2) to simplify the provisions. Notified Policy 11.2.1.2 is recommended for deletion on the basis that our preferred Area A sub-zone inherently provides this outcome in a more effective and efficient manner.
394. Our recommended provisions are outlined below:

11.2.1 Objective

A high quality of residential amenity values are maintained within the Large Lot Residential Zone.

Policies

- 11.2.1.1 *Maintain low density residential character and amenity values primarily through minimum allotment sizes that efficiently utilise the land resource and infrastructure (Area A), and require larger allotment sizes in those parts of the zone that are subject to significant landscape and/or topographical constraints (Area B).*
- 11.2.1.2 *Maintain and enhance residential character and high amenity values by controlling the colour, scale, location and height of buildings, and, in Area B, require landscaping and vegetation controls.*
- 11.2.1.3 *Control lighting to avoid glare to other properties, roads, public places and views of the night sky.*
- 11.2.1.4 *Have regard to hazards and human safety, including fire risk, from vegetation and the potential risk to people and buildings, when assessing subdivision, development and any landscaping in Area B.*

395. We find that the recommended provisions above will be the most appropriate including because they will enable the most efficient possible use of land within the zone in a way that will maintain amenity values and the integrity of the 'centres-centric' (our term) residential zone framework set out within the PDP.

16.2. Objective 11.2.2 and Policies 11.2.2.1, 11.2.2.2, 11.2.2.3, 11.2.2.4 and 11.2.2.5

396. The notified objective is:

"Objective - Ensure the predominant land uses are residential and where appropriate, community and recreational activities."

397. The notified policies are:

"11.2.2.1 Provide for residential and home occupation as permitted activities, and recognise that depending on the location, scale and type, community activities may be compatible with and enhance the environment."

11.2.2.2 *Commercial development located on the periphery of residential and township areas shall avoid undermining the integrity of the town centres, urban rural edge and where applicable, the Urban Growth Boundaries.*

11.2.2.4 *Ensure that any commercial and non-residential activities, including restaurants or visitor accommodation maintain or enhance the amenity, quality and character of the Large Lot Residential Zone and surrounding areas.*

11.2.2.5 *Avoid non-residential activity that would undermine the viability of the District's commercial zones."*

398. The purpose of these provisions is to manage land use activities within the zone. They propose the encouragement of residential activity and restrict non-residential activities. In Ms Leith's S.42A version, changes were recommended only in respect of the Panel's 4th Procedural Minute and a consequential re-numbering arising out of the Council's 25 November 2015 withdrawal of the Visitor Accommodation provisions Policies 11.2.2.3 and 11.2.2.4 (of which we note we have given no regard to).

399. In our evaluation of the provisions, we find that Policy 11.2.2.5 should be deleted, with the words "non-residential activity" added to Policy 11.2.2.2. This effectively merges the two policies together and is a more efficient means of implementing the objective.

400. We have otherwise recommended a number of revisions under Clause 16(2) to simplify the policies. Our recommended provisions are included below.

11.2.2 Objective

Predominant land uses are residential. Where appropriate, community and recreational activities also occur.

Policies

11.2.2.1 *Provide for residential and home occupations as permitted activities, and recognise that, depending on the location, scale and type, community activities may be compatible with and enhance the zone's amenity values.*

11.2.2.2 *Commercial or other non-residential activity located on the periphery of residential and township areas shall avoid undermining the integrity of the town centres, urban rural edge and where applicable, the Urban Growth Boundaries.*

11.2.2.3 *Ensure that any commercial and non-residential activities, including restaurants, maintain or enhance the amenity, quality and character of the zone.*

16.3. Overall Chapter 11 objectives and policies

401. We have lastly considered our recommended objectives and policies as a whole and confirm our finding that as a package they will be the most appropriate to promote sustainable management within the Large Lot Residential Zone.

17. OVERALL EVALUATION OF CHAPTERS 7, 8, 9, 10 and 11 OBJECTIVES AND POLICIES

402. Having considered the objectives and policies in notified Chapters 7, 8, 9, 10 and 11 of the PDP we have also considered the residential zone framework as a whole in terms of the District-wide provisions. We find that overall:

- a. Our recommended objectives in Chapters 7, 8, 9, 10 and 11 will be the most appropriate to achieve the purpose of the Act.
- b. Our recommended objectives in policies 7, 8, 9, 10 and 11 will also be the most appropriate to implement the District-wide objectives of the District Plan recommended in Decision Reports 2 and 3, and beyond that Part 2 of the Act.
- c. Our recommended policies in Chapters 7, 8, 9, 10 and 11 will be the most appropriate to implement the objectives we have recommended for Chapters 7, 8, 9, 10 and 11 respectively.
- d. Our recommended provisions are horizontally integrated inasmuch as they reinforce each other as part of a specific 'residential' sub-set of land use zones.
- e. Our recommended provisions, as a whole, reflect a simplified, more consistent and rational framework for managing development within the residential zones. They are both more effective and efficient than the notified PDP provisions and will be easier to administer.

PART E
SECTIONS 7.3, 8.3, 9.3, 10.3 and 11.3 – OTHER PROVISIONS AND RULES

18. SECTION 7.3

18.1. 7.3.1 District Wide

403. Following on from the objectives and policies is a cross reference table drawing plan users’ attention to the other relevant chapters of the Plan that should be considered. Through the submissions, Section 42A Reports, and hearings process, no discussion or changes to this rule have been sought. However, the Council in its reply has proposed some minor clarifications in response to comments and questions we asked of its staff and through our procedural minutes.

404. We agree that it is helpful to include such a cross reference, however we find that it contains a number of minor errors that we have corrected under Clause 16(2). These are set out in **Appendix 1** which contains our recommended provisions for Chapter 7. For convenience, it is also reproduced below. We have also incorporated reference to the chapters included in the PDP by the Stage 2 variations and show those in italics.

7.3.1 District Wide

Attention is drawn to the following District Wide chapters.

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

18.2. 7.3.2 Interpreting and Applying the Rules

405. Rule 7.3.2 outlines a number of additional provisions which have been unhelpfully titled “clarification” followed by the title “advice notes”. We find that this should be re-titled “interpreting and applying rules” to make it clear to users that they are administrative or procedural requirements to be followed (including by the Council). We have also made a number of Clause 16(2) corrections and clarifications to the rule and its clauses. These are set out below:

7.3.2 Interpreting and Applying the Rules

7.3.2.1 *A permitted activity must comply with all the rules listed in the activity and standards tables, and any relevant district wide rules, otherwise a resource consent will be required.*

7.3.2.2 *Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the Non-Compliance Status column shall apply.*

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

7.3.2.4 *Proposals for development resulting in more than one (1) residential unit per site shall demonstrate that each residential unit is fully contained within the identified net area for each unit.*

7.3.2.5 *Each residential unit may include a single residential flat and any other accessory buildings.*

7.3.2.6 *The following abbreviations are used within this Chapter.*

<i>P</i>	<i>Permitted</i>	<i>C</i>	<i>Controlled</i>
<i>RD</i>	<i>Restricted Discretionary</i>	<i>D</i>	<i>Discretionary</i>
<i>NC</i>	<i>Non-Complying</i>	<i>PR</i>	<i>Prohibited</i>

406. We find that the above changes are necessary to maintain the integrity of the Plan including coherent cross references and consistent chapter numbering. They are the most appropriate planning provisions and no further analysis is required.

19. SECTIONS 8.3, 9.3, 10.3 and 11.3

407. These sections mirror the content of Section 7.3 and we have made changes that correspond accordingly in **Appendices 2, 3, 4** and **5** for the purposes of plan consistency and efficient administration. Given how similar they are to the above recommended provisions for 7.3.1 and 7.3.2 of Chapter 7, they have not been reproduced here.

408. Overall, we find that the changes made to Sections 7.3, 8.3, 9.3, 10.3 and 11.3 are the most appropriate inasmuch as they enable correct and ready administration of the Plan. Providing cross references between plan chapters serves to help assure horizontal integration across the Plan.

PART F: RULES 7.4, 8.4, 9.4, 10.4 and 11.4 – RULES FOR ACTIVITIES

20. RULE 7.4

409. Rule 7.4 is a table that contains three columns: rule reference numbers, the names of activities to be subjected to management by way of an activity status under s.77A of the Act, and the activity status for each activity. Pursuant to s.77B of the Act, the table also includes, for controlled and restricted discretionary activities, reservations of control and matters of discretion respectively.
410. First and most fundamentally, we accept and agree with the nature of this method and find that it is necessary to implement the objectives and policies of the zone. Our consideration is focused on the contents of the table, namely the activities to be controlled and the activity status' proposed.
411. There were relatively few submissions seeking explicit changes to this table, with most submitter interest related to commercial activities, community activities, and development close to the airport. This reflected, overall, the tenor of submissions made to the objectives and policies.
412. Section 9 of the Act is often described as being inherently permissive inasmuch as the use of land for any purpose is, as a presumption, generally a permitted activity unless a rule in a plan requires a resource consent to be obtained. However, there is nothing in the Act to suggest that Councils should limit such rules. Many plans in practice operate on a fundamentally restrictive manner insofar as permitted activities are strictly prescribed, with all other activities requiring resource consent. This comes as a consequence of policy frameworks that typically emphasise existing amenity values and other constraints, as is the case with the Queenstown ODP and PDP.
413. The proposed framework, in contradistinction to the ODP, is that a catch-all activity status for activities that are not otherwise provided for is a non-complying activity. We do not see this as indicative of an inherent antagonism between such activities and the proposed policy framework, nor that such non-complying activities should be seen as inherently inferior or less desirable than those activities that are otherwise provided for in Rule 7.4. We find that it reflects that there are a number of activities that can be reasonably well anticipated and provided for through the zone policy framework, and many others that may or may not be appropriate but which cannot be efficiently catered to by such a customised, one-by-one fashion. We find that the proposed non-complying activity catch-all simply acts as a safeguard by requiring any such activities that may be proposed to be subject to all of the tests of a discretionary activity and in addition the tests of section 104D of the Act. These are, in summary, that an application can only be considered on its merits under sections 104 and 104B of the Act if either its adverse effects on the environment are no more than minor; or it is not contrary to the objectives and policies of the Plan. We find that this will still enable reasonable use by those wishing to undertake activities that have not been expressly enabled within the policy framework. This is consistent with the view of the Hearing Panel that heard the 'whole of plan' submissions (Report 14), where overall default status was considered.
414. We consider that this approach appears to be accepted inasmuch as we received no submissions seeking to change this, other than one by Totally Tourism Ltd¹⁷⁹. The submitter

¹⁷⁹ Submission 571

sought, in its written submission, that the default non-complying activity status that would apply in the absence (since the Council withdrawal) of visitor accommodation activities (notably Rules 7.4.21 and 7.4.22) was not appropriate. The submitter sought a discretionary activity status. The Council has now notified a variation to address visitor accommodation in the residential zones.

415. Relying on the rationale we have outlined above, we find that the catch-all non-complying activity rule that may apply to any visitor accommodation activities caught in the time lag between the PDP becoming operative and the additional visitor accommodation activity provisions also becoming operative, will not be prejudicial or onerous. In making this decision we have disregarded what we see as a faulty preconception that we interpreted commonly from the submissions that the Act's activity status hierarchy is indicative of activity appropriateness or potential adverse effects. It is not; it is a mechanism to identify the appropriate process that should be followed to consider an application for resource consent for a given activity based on a wider consideration of the community's needs and how to best promote sustainable management. It is entirely silent on the question of case-by-case merit. Consequently, we find that many permitted activities within the PDP create or contribute to substantial adverse effects, and likewise that many potential non-complying activities that could be sought as a result of the PDP framework will likely create or contribute negligible problematic adverse effects. That is not the primary purpose or point of allocating different activity status. As such we have rejected the submission by Totally Tourism Ltd.
416. Rules 7.4.2 (informal airports for emergency landings, rescues and fire fighting), 7.4.3 (airports not otherwise listed), 7.4.5 (bulk material storage), 7.4.7 (commercial recreation), 7.4.12 (factory farming), 7.4.13 (fish or meat processing), 7.4.14 (forestry), 7.4.17 (retirement village), 7.4.19 (manufacturing and/or product assembling activities), 7.4.20 (mining), 7.4.23 (panel beating, spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, motor body building) and 7.4.24 (any activity requiring an Offensive Trade License under the Health Act 1956), were not subject to any explicit submission and are not proposed to be changed by the Council as a result of correction or procedural clarification. We find that these rules are the most appropriate means to implement the zone objectives and policies, and no further analysis is required.
417. In terms of rule 7.4.5 (bulk material storage), we note our observation to the Council that the rule may – unintentionally we surmise – prevent construction materials being deposited on construction sites (such as brick or timber stacks, roof tiles etc.). The Council could consider a future variation to clarify the distinction between general bulk material storage and the necessary deposition of construction materials on construction sites.
418. Rules 7.4.4 (buildings within a Building Restriction Area), 7.4.15 (home occupations within specified limits) and 7.4.16 (other home occupations) were subject to change or deletion in Ms Leith's S42A version and/or the Reply version of the provisions, on the basis of correction or clarification including as a result of the Panel's administrative minutes. We have considered these in terms of Clause 16(2) as well as those more general submissions that encourage the Plan to be as streamlined, direct and efficient as possible. We agree with the changes proposed to these rules in the Reply version and consider they will be the most appropriate to implement the zone objectives and policies. However, we record at this point our disagreement with the home occupation limits identified in the Plan for Chapters 7, 8 and 11 (they are absent from Chapters 9 and 10), however as no submitter expressly sought their deletion we are unable to recommend that. The limits do not relate to any definitively or inappropriate adverse effects but bring with them clear social and economic limitations. We

recommend the Council consider a variation to reconsider its position on home occupations, and otherwise bring the residential zones into alignment, one way or the other.

419. Rules 7.4.6 (commercial activities), 7.4.9 (dwelling units), 7.4.10 (dwelling units), and 7.4.11 (dwelling units) are subject to change in Ms Leith's S.42A version and/or the Reply version of the provisions, on the basis of agreement or partial agreement with submitters. We have considered the merits of these and find as follows:
420. In terms of Rule 7.4.6 (commercial activities), Ms Leith recommended introducing a first-instance limit of 100 square metres of gross floor area for commercial activities within the zone. Such activities of 100 or less square metres would be a restricted discretionary activity, with activities larger than this becoming a non-complying activity. To support the proposed restricted discretionary activity status, Ms Leith proposed matters of discretion as required by s.77B of the Act. This recommendation came as a consequential response to the issues raised in the submission of David Barton¹⁸⁰. Mr Barton sought changes to the policies to remove reference to 100 square metres which had been notified (in Policy 7.2.9.2).
421. We previously described our agreement that notified policy 7.2.9.2 should not include a quantitative threshold. In consideration of the notified rule, we agree with Ms Leith that requiring all commercial activities to be non-complying activities will not implement the policy framework and the reference to 100 square metres gross floor area should sit in the rule framework to give effect to what we have re-numbered Policy 7.2.7.
422. We have recommended further refinement of the matters of discretion proposed by Ms Leith. In particular we have revised the matter of discretion relating to natural hazards so that it administratively functions as a matter of discretion rather than an information requirement rule.
423. We consider that providing for commercial activities up to 100 square metres gross floor area as a restricted discretionary activity will most appropriately implement the zone objectives and policies. It will ensure that all relevant effects are considered but do so in a way that will not discourage or inefficiently (in an administrative sense) burden applications.
424. In terms of Rules 7.4.9, 7.4.10 and 7.4.11, these work collectively to manage dwellings depending on the quantity and/or location proposed. As notified, Rule 7.4.9 set out the standards for permitted activities. Rule 7.4.10 set a higher threshold for restricted discretionary activities and included matters of discretion. Rule 7.4.11 set out the requirements for non-complying activities (limited spatially to the Queenstown Airport's Air Noise Boundary). A number of changes were proposed by Ms Leith, including through the Reply version of the provisions. Many changes were proposed to correct drafting errors or to clarify the provisions under Clause 16(2) and we generally agree with these.
425. Of most substance, Ms Leith recommended that Rule 7.4.11 be deleted, with more than one dwelling per site in the Queenstown Airport Air Noise Boundary remaining a non-complying activity as a consequence of changes proposed to Rules 7.4.9 and 7.4.10, in reliance on Rule 7.4.1. We agree that this is the more efficient approach.

¹⁸⁰ Submission 269

426. Relevant to these rules, the Council¹⁸¹ and Arcadian Triangle¹⁸² had both submitted that the notified approach to residential units and residential flats should be changed but that the essence of the rules should remain. This was different from Aurum Survey Consultants¹⁸³, which sought a simpler and more permissive approach: 1 unit per 300m² as a permitted activity and density higher than this as a controlled activity. The submitter did not present any evidence at the hearing in support of its submission, nor did it provide convincing analysis to substantiate the relief sought in terms of s.32AA of the Act.
427. We find that the Council’s Section 42A / Reply version approach is the most appropriate framework. The basic rule of permitting one unit per 450 square metres of site area is a compatible fit with the existing developed part of the zone, and development down to 300 square metres can be appropriately managed as a restricted discretionary activity. We accept the evidence of Ms Leith and Mr Falconer that densities higher than this do create the potential for a variety of inappropriate adverse effects and the non-complying activity requirement of Rule 7.4.1 would ensure that any such applications are carefully scrutinised. While there will be some instances where such densities may be suitable, we find that in general this is unlikely to be the case and that such densities are more compatible with the medium density zone provisions. We also refer to our earlier discussion on residential flats and development within the airport noise boundary.
428. We therefore find that Rules 7.4.9 and 7.4.10 should be subject of minor redrafting, with rule 7.4.11 deleted. These changes reflect the most appropriate means of implementing the zone objectives and policies on the basis that they are simpler to use and administer, and more effective at achieving the outcomes described within the zone policy framework than alternatives including that identified by Aurum Survey Consultants¹⁸⁴.
429. We note that we can understand the Council’s desire for simplification by removing reference to residential flat within these rules, given that the definition of residential unit includes a residential flat. However, we consider that to assist the ordinary plan user, rather than expert users, an additional provision be included in Section 7.3.2 clarifying that each residential unit may contain a residential flat and also have accessory building associated with it. We consider this to be a non-substantive change that can be made under Clause 16(2). We have set the wording out above in Section 18.2 and also recommend it be inserted in each of the other residential chapters for the same reason.
430. For the purposes of administrative simplicity, we have re-ordered and where appropriate re-numbered the activity table by activity status, commencing with permitted activities and concluding with prohibited activities. The changes we recommend are set out below. We have included spaces in the table for the provisions inserted by the Stage 2 variations in the location we consider appropriate given our discussion above about rule order. These are shown in italics and do not form part of our recommendations.

	Activities located in the Low Density Residential Zone	Activity status
7.4.1	Home occupations	P

181 Submission 383
182 Submission 836
183 Submission 166
184 Submission 836

	Activities located in the Low Density Residential Zone	Activity status
7.4.2	Informal airports for emergency landings, rescues and fire fighting	P
7.4.3	Residential units, where the density of development does not exceed one residential unit per 450m² net area.	P
7.4.4		
7.4.5		
7.4.6	<p>Commercial activities – 100m² or less gross floor area</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Benefits of the commercial activity in servicing the day-to-day needs of local residents; b. Hours of operation; c. Parking, traffic and access; d. Noise; e. Design, scale and appearance; f. In Arrowtown, consistency with Arrowtown’s character, as described within the Arrowtown Design Guidelines 2016; and g. Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ul style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated. 	RD

	Activities located in the Low Density Residential Zone	Activity status
7.4.7	<p>Residential Units, where the density of development exceeds one residential unit per 450m² net area but does not exceed one residential unit per 300m² net area, excluding sites located within the Air Noise Boundary or located between the Air Noise Boundary and Outer Control Boundary of Queenstown Airport.</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. How the design advances housing diversity and promotes sustainability either through construction methods, design or function b. Privacy for occupants of the subject site and neighbouring sites c. In Arrowtown, consistency with Arrowtown’s character, as described within the Arrowtown Design Guidelines 2016 d. Street activation e. Building dominance f. Parking and access layout: safety, efficiency and impacts on on-street parking and neighbours g. Design and integration of landscaping h. Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ol style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated <p>Note – Additional rates and development contributions may apply for multiple units located on one site.</p>	RD
7.4.8	Commercial recreation	D
7.4.9	Community activities	D
7.4.10	Retirement villages	D
7.4.11	Activities which are not listed in this table	NC
7.4.12	Commercial activities – greater than 100m² gross floor area	NC
7.4.13		
7.4.14	Airports not otherwise listed in this Table	PR
7.4.15	Bulk material storage	PR
7.4.16	Factory Farming	PR
7.4.17	Fish or meat processing	PR

	Activities located in the Low Density Residential Zone	Activity status
7.4.18	Forestry	PR
7 4.19	Manufacturing and/or product assembling activities	PR
7 4.20	Mining	PR
7.4.21	Panel beating, spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, motor body building	PR
7.4.22	Any activity requiring an Offensive Trade Licence under the Health Act 1956	PR

431. We have furthermore considered the amended provisions recommended above and also in **Appendix 1** in light of the Council’s original section 32 report, the section 32AA analysis provided by Ms Leith and through the information provided by the submitters (both through the written submissions and the hearings process). Overall, and as a package, we find that the provisions we recommend will be the most appropriate including by being the most effective and efficient means of addressing the matters raised in the zone objectives and policies.

21. **RULE 8.4**

432. The notified Chapter 8 had 29 activity rules, with 3 applying only to the proposed Wanaka Town Centre Transition Overlay. In Ms Leith’s S.42A version and subsequent Reply version these were proposed to be reduced to 24, largely due to the Council’s withdrawal of Visitor Accommodation provisions. Ms Leith recommended that, subject to renumbering, 18 of the rules should remain as notified. Of those recommended to be changed, 3 are on the basis of Plan clarification reasons and the remaining 3 on the basis of submissions received.

433. We find that, as we have recommended in the other residential chapters, the activity rules should be grouped by way of activity status. This results in a substantial re-numbering. Related to this, we have recommended not including a separate table for the proposed Wanaka Town Centre Transition zone on the basis that the nature of the additional rules lends themselves to being integrated into Table 1. However, our consideration of the Wanaka Town Centre Transition zone stopped at that point on the basis that it had been deferred to the mapping hearings.

434. Having considered the submissions and further submissions we find that the Council’s recommendations are generally the most appropriate from the alternatives we identified and we have agreed with them except as follows.

435. For notified Rule 8.4.4 (relating to buildings within a Building Restriction Area) we recommend it be re-located to sit in Rule 8.5. We have recommended this change for the other residential zones. We find that this change is an improvement to the Plan’s consistency and structure, and can be undertaken under Clause 16(2).

436. For notified Rule 8.4.5 (relating to bulk material storage) (our recommended Rule 8.4.16), we do not support the officer recommendation to change “Bulk material storage” to “Outdoor storage”. As discussed earlier in Chapter 7 for notified Rule 7.4.5, we find that this change

would have potentially significant ramifications that must be undertaken by way of a Plan Variation or Change.

437. For notified Rule 8.4.9 (relating to community facilities and activities) (our recommended Rule 8.4.11), we agree that the rule should be simplified from “Community facilities and/or activities” to “Community activities” in agreement with Ms Leith and the submission from Otago Foundation Trust Board¹⁸⁵. This is in line with recommendations we have made for the other residential zones, and will make the Plan simpler.
438. For notified Rule 8.4.10 (relating to dwellings, residential units and residential flats) (our recommended Rule 8.4.6), we recommend that the rule be simplified to be named “Residential unit” in line with the other residential zones and for the reasons outlined in the Chapter 7 recommendation above. We also recommend further revisions to simplify the rule and make it clearer. These are recommended under Clause 16(2) and on the basis of scope given by submissions including those from Arcadian Triangle Ltd¹⁸⁶, the Council¹⁸⁷, C Douglas¹⁸⁸, S Clark¹⁸⁹, P Winstone¹⁹⁰, N Ker¹⁹¹, and D Clarke¹⁹².
439. For notified rule 8.4.11 (relating to dwellings, residential units and residential flats) (our recommended 8.4.9), we note that this rule attracted considerable submitter interest. Ms Leith’s recommendation was to change the rule and, extensively, the matters of discretion. This was in support of a number of submissions including those from Arcadian Triangle Ltd¹⁹³, the Council¹⁹⁴, C Douglas¹⁹⁵, S Clark¹⁹⁶, P Winstone¹⁹⁷, N Ker¹⁹⁸, and D Clarke¹⁹⁹.
440. We agree with the thrust of the changes recommended by Ms Leith. However, we find that the matters of discretion are still unnecessarily convoluted. We have recommended further simplification of the matters of discretion, also in part to establish a more consistent expression of restrictions across this zone and between it and the other residential zones. These further simplifications are recommended under Clause 16(2).
441. For notified Rules 8.4.15 and 8.4.16 (both relating to home occupations), Ms Leith recommended shifting the proposed limitations on home occupations from Rule 8.4.15 into Rule 8.5, and deleting Rule 8.4.16 on the basis that it could also be provided for in Rule 8.5. Ms Leith’s recommendation is in line with the one she made for Chapter 7 (notified Rules 7.4.15 and 7.4.16), and we agree with her for the same reasons. We have renumbered Rule 8.4.15 as 8.4.3, and deleted Rule 8.4.16, although note our general disagreement with the proposed home occupation limits (no submissions explicitly sought their deletion). We note our recommendation that the Council consider a variation to remove these limits on the basis

¹⁸⁵ Submission 408.
¹⁸⁶ Submission 836
¹⁸⁷ Submission 383
¹⁸⁸ Submission 199
¹⁸⁹ Submission 306
¹⁹⁰ Submission 264
¹⁹¹ Submission 180
¹⁹² Submission 26
¹⁹³ Submission 836
¹⁹⁴ Submission 383
¹⁹⁵ Submission 199
¹⁹⁶ Submission 306
¹⁹⁷ Submission 264
¹⁹⁸ Submission 180
¹⁹⁹ Submission 26

that they do not reliably or definitively relate to any inappropriate adverse effects, and have social and economic restrictions that seem unjustifiable.

442. For notified Rule 8.4.25 (relating to buildings) (our recommended Rule 8.4.7), we have recommended revising the matters of discretion. As notified and recommended to us, subject to issues raised in the submissions of N Blennerhassett²⁰⁰ and the Council²⁰¹, the restrictions were worded too close to specific assessment criteria than we felt was justifiable. Our recommendations re-frame Ms Leith’s recommended wording as more neutral statements against which the Council’s discretion would be restricted.
443. For notified Rules 8.4.26 (relating to buildings) and 8.4.27 (relating to commercial activities) and 8.4.29 (relating to community activities), we recommend adding the words “in the Wanaka Town Centre Transition Overlay” for reasons of clarification and simplification. However, we otherwise left consideration of these rules to the mapping hearings as set out in the Panel’s Minutes. The Stream 12 Hearing Panel recommended no changes to any of the provisions relating to the Wanaka Town Centre Transition Overlay. Thus we include them as notified, albeit renumbered and reformatted to be consistent with the remaining provisions.
444. Our recommended text is included below and in Appendix 2. We find that the recommended provisions are the most appropriate inasmuch as they are more efficient than the alternatives and provide for a more consistent use of language and rule structure.
445. We have inserted spaces for the provisions inserted by the Stage 2 variations in the location we consider appropriate given our discussion above about rule order. These do not form part of our recommendations.

Table 1	Activities located in the Medium Density Residential Zone	Activity status
8.4.1	Commercial activities in the Wanaka Town Centre Transition Overlay	P
8.4.2	Community activities in the Wanaka Town Centre Transition Overlay	P
8.4.3	Home occupations	P
8.4.4	Informal airports for emergency landings, rescues and fire fighting	P
8.4.5	In the Wanaka Town Centre Transition Overlay, Licenced Premises for the consumption of alcohol on the premises between the hours of 8am and 11pm, and also to: <ul style="list-style-type: none"> a. any person who is residing (permanently or temporarily) on the premises. b. any person who is present on the premises for the purpose of dining up until 12am. 	P

²⁰⁰ Submission 335

²⁰¹ Submission 383

Table 1	Activities located in the Medium Density Residential Zone	Activity status
8.4.6	<p>Residential Unit</p> <p>8.4.6.1 One (1) per site in Arrowtown</p> <p>8.4.6.2 For all locations outside of Arrowtown, three (3) or less per site</p>	P
8.4.7		
8.4.8	<p>Buildings in the Wanaka Town Centre Transition Overlay</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. External design and appearance including the achievement of a development that is compatible with the town centre transitional context, integrating any relevant views or view shafts, b. The external appearance of buildings, including that the use of stone, schist, plaster or natural timber be encouraged c. Privacy for occupants of the subject site and neighbouring sites d. Street activation e. Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ul style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated. 	RD

Table 1	Activities located in the Medium Density Residential Zone	Activity status
8.4.9	<p>Commercial Activities in Queenstown, Frankton or Wanaka:100m² or less gross floor area</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Benefits of the commercial activity in servicing the day-to-day needs of local residents. b. Hours of operation c. Parking, traffic and access d. Noise e. Design, scale and appearance f. Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ul style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated 	RD

Table 1	Activities located in the Medium Density Residential Zone	Activity status
8.4.10	<p>Residential Unit</p> <p>8.4.10.1 One (1) or more per site within the Arrowtown Historic Management Transition Overlay Area</p> <p>8.4.10.2 Two (2) or more per site in Arrowtown</p> <p>8.4.10.3 For all locations outside of Arrowtown, four (4) or more per site</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Location, external appearance, site layout and design of buildings and fences and how the development addresses its context to contribute positively to the character of the area b. Building dominance relative to neighbouring properties and public spaces including roads c. How the design advances housing diversity and promotes sustainability either through construction methods, design or function d. Privacy for occupants of the subject site and neighbouring sites e. In Arrowtown, consistency with Arrowtown’s character, as described within the Arrowtown Design Guidelines 2016 f. Street activation g. Parking and access layout: safety, efficiency and impacts on on-street parking and neighbours h. Design and integration of landscaping i. For land fronting State Highway 6 between Hansen Road and the Shotover River: <ul style="list-style-type: none"> i. <u>safe and effective functioning of the State Highway network;</u> ii. <u>integration with other access points through the zone to link up to Hansen Road, the Hawthorne Drive/State Highway 6 roundabout and/or Ferry Hill Drive; and</u> iii. <u>integration with pedestrian and cycling networks, including to those across the State Highway.</u> j. Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ul style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated 	RD
8.4.11		
8.4.12	Commercial recreation	D

Table 1	Activities located in the Medium Density Residential Zone	Activity status
8.4.13	Community activities	D
8.4.14	Retirement villages	D
8.4.15	Activities which are not listed in this table	NC
8.4.16	Commercial Activities greater than 100m ² gross floor area	NC
8.4.17		
8.4.18	Airports not otherwise defined	PR
8.4.19	Bulk material storage	PR
8.4.20	Factory Farming	PR
8.4.21	Fish or meat processing	PR
8.4.22	Forestry	PR
8.4.23	Manufacturing and/or product assembling activities	PR
8.4.24	Mining	PR
8.4.25	Panel beating, spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, motor body building.	PR
8.4.26	Any activity requiring an Offensive Trade Licence under the Health Act 1956	PR

22. **RULE 9.4**

446. The notified Chapter 9 had 26 activity rules. In Ms Banks' S.42A version and subsequent Reply version these were proposed to be reduced to 20, largely due to the Council's withdrawal of Visitor Accommodation provisions. Ms Banks recommended that, subject to renumbering, 17 of the rules should remain as notified. Of those recommended to be changed, the majority were based on clarifications or corrections. Issues raised by submitters were identified as a reason to change rules only in the case of notified Rules 9.4.3 and 9.4.4 (both relating to dwellings, residential units and residential flats).
447. We find that, as we have recommended in the other residential chapters, the activity rules should be grouped by way of activity status. This results in a substantial re-numbering.
448. Having considered the submissions and further submissions we find that the Council's recommendations are generally the most appropriate from the alternatives we identified and we have agreed with them except as follows.
449. For notified Rule 9.4.2 (relating to building within a Building Restriction Area) we find that this rule sits more appropriately in Rule 9.5. We have recommended this change for the other residential zones. We find that this change is an improvement to the Plan's consistency and structure, and can be undertaken under Clause 16(2).
450. For notified Rule 9.4.4 (relating to dwellings, residential units and residential flats) (our recommended Rule 9.4.4), we find that the recommended matters of discretion should be

further simplified and this can occur as a Clause 16(2) change although we also record our agreement with those submissions supporting high qualities of urban design in the zone, and which influenced our preferred wording.

451. For notified Rule 9.4.6 (relating to commercial activities) (our recommended Rule 9.4.1) we recommend that the rule be simplified to only relate to a 100m² maximum GFA limit. We can find no support for the linkage to 20 or more units in the objectives and policies we have determined are most appropriate, and find that small scale ground level shops could very successfully contribute to the urban design qualities sought within the zone (including safe and well overlooked, activated streets). Our recommendation is on the basis of Clause 16(2) and those submissions seeking high levels of urban design quality within the zone.
452. For notified Rule 9.4.15 (relating to community facilities and activities) (our recommended Rule 9.4.6), we recommend that this rule be simplified to state “Community Activities” in line with the other residential zones. To justify this, we have drawn scope from those submissions seeking that change in the other zones (notably Southern District Health Board²⁰² and Ministry of Education²⁰³), which in our view sought to change how the Plan managed community activities generally and was not restricted to some zones but not others.
453. For notified Rule 9.4.22 (relating to flood risk) we recommend that this be relocated to Rule 9.5 on the basis that it relates to an activity standard rather than an activity rule. We find that this relocation can be undertaken as a Clause 16(2) clarification as it will make the Plan more coherent.
454. For notified Rule 9.4.26 (relating to bulk material storage), we do not support the officer recommendation to change “Bulk material storage” to “Outdoor storage”. As discussed earlier in Chapter 7 in relation to notified Rule 7.4.5, we find that this change would have potentially significant ramifications that must be undertaken by way of a Plan Variation or Change.
455. Our recommended text is included below and in Appendix 3. We find that the recommended provisions are the most appropriate inasmuch as they are more efficient than the alternatives while maintaining a high and effective level of recognition of the sensitive amenity and character values within the zone.
456. We have included space for the provisions inserted by the Stage 2 variations in the location we consider appropriate given our discussion above about rule order. These do not form part of our recommendations.

	Activities located in the High Density Residential Zone	Activity Status
9.4.1	Commercial activities comprising no more than 100m ² of gross floor area.	P
9.4.2	Home occupation	P
9.4.3	Residential Unit comprising three (3) or less per site	P
9.4.4		

²⁰² Submission 671

²⁰³ Submission 524

	Activities located in the High Density Residential Zone	Activity Status
9.4.5	<p>Residential Unit comprising four (4) or more per site</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Location, external appearance, site layout and design of buildings and fences and how the development addresses its context to contribute positively to the character of the area b. Building dominance and sunlight access relative to neighbouring properties and public spaces including roads c. How the design advances housing diversity and promotes sustainability either through construction methods, design or function d. Privacy for occupants of the subject site and neighbouring sites e. Street activation f. Parking and access layout: safety, efficiency and impacts on on-street parking and neighbours g. Design and integration of landscaping h. Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ul style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated 	RD
9.4.6		
9.4.7	Commercial recreation	D
9.4.8	Community activities	D
9.4.9	Retirement village	D
9.4.10	Activities which are not listed in this table	NC
9.4.11	Commercial Activities not otherwise identified	NC
9.4.12	Panel beating, spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, motor body building.	PR
9.4.13	Manufacturing and/or product assembling activities	PR
9.4.14	Mining	PR
9.4.15	Factory Farming	PR
9.4.16	Fish or meat processing	PR
9.4.17	Forestry	PR

	Activities located in the High Density Residential Zone	Activity Status
9.4.18	Any activity requiring an Offensive Trade Licence under the Health Act 1956	PR
9.4.19	Airports other than the use of land and water for emergency landings, rescues and fire fighting	PR
9.4.20	Bulk material storage	PR

457. We note however that unlike Chapters 7, 8 and 11, the provisions for home occupations in Chapter 9 (and Chapter 10) specify no limits to the scale allowable for home occupations (our recommended Rule 9.4.2). We have no information to justify why such limitations have not been included within Chapters 9 and 10 although we support the proposal. We lack submissions or scope to introduce such a rule in Chapter 9 (or to remove it from Chapters 7, 8 and 11) and for this reason note to the Council that it may wish to review its approach to home occupations and consider a Plan Variation or Change if it deems it appropriate.

23. **RULE 10.4**

458. The notified Chapter 10 had 20 activity rules, although these were distributed across the Arrowtown Residential Historic Management zone itself and also a proposed Arrowtown Town Centre Transition overlay. We note that the notified Table 1 was not well drafted to delineate between these. In Ms Law’s S.42A version and subsequently the Reply version of the provisions, these were proposed to be reduced to 14 activities, largely due to the Council’s withdrawal of Visitor Accommodation provisions. Ms Law’s recommended changes largely reflected clarifications and corrections.

459. We find that it is appropriate to split Table 1 into two tables reflecting the differentiation between the underlying zone and the Town Centre Transition Overlay. We also find that, as we have recommended in the other residential chapters, the activity rules should be grouped by way of activity status. This results in a substantial re-numbering.

460. Having considered the submissions and further submissions we find that the Council’s recommendations are generally the most appropriate from the alternatives we identified and we have agreed with them except as follows.

461. Notified Rule 10.4.1 is potentially ambiguous. We recommend redrafting this and placing it in each Table so as to make it clear that in the part of the zone outside of the Town Centre Transition Overlay, any activity not listed in Table 1 is a non-complying activity (our Rule 10.4.9), and within the Transition Overlay, the non-complying activity rule applies to any activity not in either Table (our Rule 10.4.18).

462. For notified Rule 10.4.2 (relating to dwellings, residential units and residential flats) (our recommended Rule 10.4.4), we agree that the rule should be simplified to refer only to “Residential Unit” on the basis of submissions from Arcadian Triangle Ltd²⁰⁴ and the Council²⁰⁵, and as we have recommended for the other residential zones.

²⁰⁴ Submission 836

²⁰⁵ Submission 383

463. For notified Rule 10.4.4 (relating to the construction or alteration of any buildings) (our recommended Rule 10.4.6), we recommend that this rule be revised so as to be clearer and more administrable. We are concerned that the text recommended by the Council was onerous and unintentionally included internal alterations that would have no effect on any of the matters described within the policy framework we determined would be most appropriate, or any of the rule’s own proposed matters of discretion. For that reason we recommend adding the word “external” into the rule. We also recommend substantial simplification of the matters of discretion including a clearer reference to the Arrowtown Design Guidelines 2016. Our recommendations are made in terms of Clause 16(2).
464. For notified Rule 10.4.13 (relating to building within a Building Restriction Area), Ms Law recommended removing this rule from 10.4 and relocating it to Rule 10.5. We agree with this, for the reasons set out in respect of the other residential zones.
465. For notified Rule 10.4.16 (relating to retail activities) (our recommended 10.4.17) we recommend simplifying the rule to make it clearer. This change is recommended under Clause 16(2).
466. Our recommended text is included below and in Appendix 4. We find that the recommended provisions are the most appropriate inasmuch as they are more efficient than the alternatives while maintaining a high and effective level of recognition of the sensitive amenity and character values within the zone.
467. We have included space for the provisions inserted by the Stage 2 variations in the location we consider appropriate given our discussion above about rule order. These do not form part of our recommendations.

Table 1	Activities located in the Arrowtown Residential Historic Management Zone	Activity Status
10.4.1	Home occupation.	P
10.4.2	Minor Alterations and Additions to a Building.	P
10.4.3	Recreational Activity.	P
10.4.4	Residential Unit. Note: Refer to Rule 10.4.6 for construction of new and alterations and additions to existing buildings.	P
10.4.5		

Table 1	Activities located in the Arrowtown Residential Historic Management Zone	Activity Status
10.4.6	<p>The Construction or external alteration of any buildings.</p> <p>This rule does not apply to Minor Alterations and Additions to a Building provided for by Rule 10.4.2.</p> <p>Discretion is restricted to the following, with the Arrowtown Design Guidelines 2016 being the principal tool to be used in considering the merit of proposals (within the matters of discretion):</p> <ol style="list-style-type: none"> a. How new or altered buildings make a positive contribution to the heritage character of the zone b. Building form, appearance, scale and layout including the height to the eaves, ridge, roof shape and pitch. c. Exterior materials and colour. d. Landscaping and fencing. e. Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ol style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated <p>The following additional matter of discretion also applies within the Arrowtown Town Centre Transition Overlay:</p> <ol style="list-style-type: none"> f. Retention and enhancement of pedestrian linkages between Buckingham Street and Romans Lane 	RD
10.4.7		
10.4.8	Community activities.	D
10.4.9	Any Activity not listed in Table 1.	NC
10.4.10	Commercial activities.	NC
10.4.11		
10.4.12	Panel beating, spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, motor body building.	PR

Table 2	Activities located in the Arrowtown Town Centre Transition Overlay Additional to or in Place of those in Table 1	Activity Status
10.4.13	Commercial activities (except where specified for retail activities).	P
10.4.14	Community Activities.	P
10.4.15	<p>Licensed Premises.</p> <p>Premises licensed for the consumption of alcohol on the premises between the hours of 8am and 11pm.</p>	P

Table 2	Activities located in the Arrowtown Town Centre Transition Overlay Additional to or in Place of those in Table 1	Activity Status
10.4.16	<p>Licensed Premises.</p> <p>Premises licensed for the consumption of alcohol on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale of liquor:</p> <ul style="list-style-type: none"> a. to any person who is residing (permanently or temporarily) on the premises; b. to any person who is present on the premises for the purpose of dining up until 12am. <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. The scale of the activity. b. Car parking and traffic generation. c. Effects on amenity values. d. Noise. e. Hours of operation. f. Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ul style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated 	RD
10.4.17	<p>Retail Activities.</p> <p>Retailing restricted to goods manufactured on site and ancillary products, and comprising no more than 10% of the gross floor area.</p>	D
10.4.18	Any Activity not listed in either Table 1 or Table 2.	NC

468. We note however that unlike Chapters 7, 8 and 11, the provisions for home occupations in Chapter 10 (and Chapter 9) specify no limits to the scale allowable for home occupations (our recommended Rule 10.4.1). We have no information to justify why such limitations have not been included within Chapters 9 and 10 although we support the proposal. We lack submissions or scope to introduce such a rule in Chapter 10 (or to remove it from Chapters 7, 8 and 11) and for this reason note to the Council that it may wish to review its approach to home occupations and consider a Plan Variation or Change if it deems it appropriate.

24. RULE 11.4

469. The notified Chapter 11 had 12 activity rules. In Ms Leith's S.42A version this had been reduced to 9 rules as a result of the Council's withdrawal of Visitor Accommodation provisions. She also recommended changing Rule 11.4.2 from "Dwelling, residential unit, residential flat" to "residential unit", relying on submitters Arcadian Triangle Ltd²⁰⁶ and the Council²⁰⁷; and as also

²⁰⁶ Submission 836

²⁰⁷ Submission 383

recommended in the other residential chapters. Ms Leith also recommended relocating Rule 11.4.11 (relating to buildings within a Building Restriction Area) into the activity standards Rule 11.5, which we agree with for the same reasons that applied in respect of Chapter 7.

470. We find, as discussed in the context of Rule 7.4, that the table should be re-ordered by activity status for ease of use. We also recommend changing Rule 11.4.10 “community recreation” to “community recreational activity” under Clause 16(2).
471. Otherwise, we find that the activity rules proposed by the Council and proposed to be modified by Ms Leith are the most appropriate. In making this recommendation we repeat the observation made in respect of the other residential chapters that there were limited submitter requests relating to the proposed activity status.
472. Our recommended text is included below and in Appendix 5, which sets out our recommended provisions.
473. We have included space for the provisions inserted by the Stage 2 variations in the location we consider appropriate given our discussion above about rule order. These do not form part of our recommendations.

Table 1	Activities located in the Large Lot Residential Zone	Activity Status
11.4.1	Residential Unit	P
11.4.2	Recreational Activity	P
11.4.3	Home occupation.	P
11.4.4		
11.4.5		
11.4.6	Community activities	D
11.4.7	Commercial recreational activity	D
11.4.8	Any other activity not listed in Table 1	NC
11.4.9	Licensed Premises	NC
11.4.10		
11.4.11	Panel beating, spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, motor body building.	PR

PART G: RULES 7.5, 8.5, 9.5, 10.5 and 11.5 – STANDARDS FOR ACTIVITIES

25. RULES 7.5

25.1. Overview

474. As notified, there were 15 rules intended to manage the scale, intensity, and location of development. Generally, the rules are proposed to provide a permitted activity threshold based on enabling reasonable use of residential zoned sites, with development beyond those thresholds requiring a resource consent, with activity status and associated provisions as required under sections 77A and 77B of the Act also specified on a rule-by rule basis.
475. We note that the PDP rule thresholds are generally analogous with those set out within the ODP.
476. As has been previously canvassed in our decisions above, the key issues raised within the submissions related to managing density, commercial activity, and development in proximity to the airport and state highways.
477. We note that as a result of our deliberations, the numbering of rules has in some cases been proposed to change. This has arisen largely as a result of looking to group like rules together.

25.2. Rules 7.5.5, 7.5.7, 7.5.12, 7.5.13, and 7.5.14

478. In the Reply version of the rules, 7.5.5 (building coverage), 7.5.7 (landscaped permeable surface coverage), 7.5.12 (waste and recycling storage space, 7.5.13 (glare), and 7.5.14 (setback from water bodies) were not proposed to be changed from the notified version (although the rules would be renumbered as a result of other proposed changes).
479. We agree with the Ms Leith's recommendation in respect of Rule 7.5.5, and furthermore note that permitted site coverage greater than this would create potential conflict with the outcomes sought within the policy framework once other rules for site size / density (including provision for residential flats ancillary to a principal residential unit or dwelling) and bulk and location are considered. Building coverage greater than 40% is likely to lead to development with a more urban characteristic that is intended to be managed by the Medium and High Density Residential Zones.
480. In terms of Rule 7.5.7, we find that we have no scope to change the notified rule, however note our support for the non-complying activity status for contraventions. This rule will be a key means to implementing the policy framework we determined was most appropriate, including through reinforcing building height and site density requirements seeking to enable higher densities in a way that maintained suburban, predominantly detached-house amenity values and the presence of visually obvious planting and vegetation between and around buildings.
481. In terms of Rule 7.5.12, we find that we have no scope to change the notified rule, however we have not been convinced, including with reference to other residential zones where this rule has not been proposed, that Rule 7.5.12.1, which specifies a waste storage space to be provided is relevant or required. We recommend the Council undertake a variation to delete it on the basis that it is unnecessary and hence inefficient and ineffective.
482. In terms of Rules 7.5.13, and 7.5.14, we find that we have no scope to change the notified rules, and there is no reason to change Rule 7.5.13. However, we do recommend the Council

undertake a variation to change the contravention status of Rule 7.5.13 from non-complying to restricted discretionary. This is because we cannot see any basis for requiring a non-complying activity status, and likewise consider potential effects to be so specific they could be readily identified as matters of discretion.

483. We similarly recommend a variation to change the 7m setback distance specified within Rule 7.5.14 to 20m. Twenty metres is relevant inasmuch as it is the default width of an esplanade reserve requirement that is triggered once a subdivision application that adjoins or includes the bed of a river, lake or wetland. While at the land use consent stage a subdivision for an esplanade reserve may not be being sought, retaining the 20m setback will not foreclose future subdivision in light of the significance attached to public access to and along waterbodies within the Act (see section 6(a) and (d)). While we accept that esplanade requirements do not apply in all cases (primarily when a stream is less than 3m wide), we are satisfied that a 20m rule requirement instead of 7m would overall be the more appropriate.

484. Our recommended text for Rules 7.5.5 (building coverage), 7.5.7 (landscaped permeable surface coverage) 7.5.12 (waste and recycling storage space, 7.5.13 (glare), and 7.5.14 (setback from water bodies) are set out below.

7.5.5	Building Coverage A maximum of 40%.	D
7.5.6	Landscaped permeable surface coverage At least 30% of the site area shall comprise landscaped (permeable) surface.	NC
7.5.12	Waste and Recycling Storage Space 7.5.12.1 Residential and Visitor Accommodation activities shall provide, as a minimum, space for a 120 litre residential wheelie bin and 240 litres recycling wheelie bin per residential unit. 7.5.12.2 All developments shall suitably screen waste and recycling storage space from the road or public space, in keeping with the building development, or provide space within the development that can be easily accessed by waste and recycling collections.	NC
7.5.13	Glare 7.5.13.1 All exterior lighting shall be directed downward and away from the adjacent sites and roads. 7.5.13.2 No activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site.	NC

7.5.14	<p>Setback of buildings from water bodies</p> <p>The minimum setback of any building from the bed of a river, lake or wetland shall be 7m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Indigenous biodiversity values; b. Visual amenity values c. Landscape character; d. Open space and the interaction of the development with the water body; e. Environmental protection measures (including landscaping and stormwater management); f. Whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the location of the building.
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25.3. Rules 7.5.1 and 7.5.2

485. Rules 7.5.1 and 7.5.2 (both relating to building height) have been proposed by Ms Leith to be largely retained although re-structured to be clearer for readers. These rules attracted a number of submissions, including particular interest on proposed additional controls on building height on sites smaller than 900m² proposed to accommodate more than 1 residential unit. The clearest submission in opposition to the Council’s approach was from Aurum Survey Consultants²⁰⁸, which was concerned with the Council’s over-complicated and over-controlling proposal.
486. Ms Leith agreed with a number of the points made by the submitters and proposed to change the status of more than 1 residential unit on sites smaller than 900m² a discretionary, rather than non-complying activity. A key part of her justification for retaining the essence of the proposed approach was her interpretation of the phrase “gentle density”.
487. As discussed previously, we did not agree with Ms Leith’s eventually discarded phrase “gentle density”, or Ms Leith’s interpretation of that as an important outcome for the zone. We are supportive of Mr Falconer’s view that the zone anticipates one to two storey units and consider that a clearer rules framework be in place to implement (our recommended) Objective 7.2.3 and its policies.
488. We find that contravention of proposed Rule 7.5.1.3 (an additional height restriction for higher density developments) should be a discretionary activity provided that the total height does not contravene the limits of Rules 7.5.1 or 7.5. 2 (the general zone height limits for flat or sloping sites respectively) as the case may be. Height above the limits of Rules 7.5.1 and 7.5.2 for the purposes of Rule 7.5.3 would then be a non-complying activity to avoid creating a reverse incentive for additional building height on the smallest sites.

²⁰⁸ Submission 166

489. We find that the most appropriate provisions to address the policy framework we recommend are as set out below. This in summary is to accept the Reply version that there should be three height rules (for flat sites, for sloping sites, and for more than 1 dwelling on a site 900m² or smaller) subject only to our own minor amendments using Clause 16(2). Separating the density-related height control from the other two also makes the plan simpler.

<p>7.5.1</p>	<p>Building Height (for flat sites) 7.5.1.1 Wanaka: Maximum of 7 metres. 7.5.1.2 Arrowtown: Maximum of 6. 5 metres. 7.5.1.3 All other locations: Maximum of 8 metres.</p>	<p>NC</p>
<p>7.5.2</p>	<p>Building Height (for sloping sites) 7.5.2.1 Arrowtown: Maximum of 6 metres. 7.5.2.2 In all other locations: Maximum of 7 metres.</p>	<p>NC</p>
<p>7 5.3</p>	<p>In addition to Rules 7.5.1 and 7.5.2, where a site is less than 900m² net area and more than 1 residential unit will result per site, the following height provisions apply: a. Where residential units are proposed in addition to an existing residential unit, then the additional residential unit(s) shall not exceed 5.5m in height; b. Where no residential units exist on the site, or where an existing residential unit is being demolished to provide for 2 or more new residential units on the site, then all proposed residential units shall not exceed 5.5m in height; c. Items (a) and (b) above do not apply where a second residential unit is being created within an existing residential unit that is taller than 5.5m.</p>	<p>D</p>

25.4. Rules 7.5.3 and 7.5.4

490. In terms of Rules 7.5.3 (airport noise) and 7.5 4 (airport noise), the key submission was from QAC²⁰⁹. We have previously discussed the resource management issues relevant to residential development within close proximity to the Queenstown Airport and our agreement with the need to manage development in light of very likely, and very adverse, future noise and amenity effects.

491. Ms Leith, through the Reply, proposed that rule 7.5.4 could be deleted and its substance rolled into an amended rule 7.5.3. We agree with this and consider it will make the plan more administratively efficient. We do note that Ms Leith’s Reply version needs a minor amendment to remove any ambiguity as to which buildings this rule applies to.

²⁰⁹ Submission 433

492. Overall, we find that subject to the amendments set out in the Reply version Rule 7.5.3 (renumbered to 7.5.4), including our clarification, is the most appropriate means of implementing the objectives and policies we identified earlier, in particular objective 7.2.2 and its policies. It is included below.

7.5.4	<p>Airport Noise – Queenstown Airport (excluding any non-critical listening environments)</p> <p><u>7.5.4.1 Buildings Within the Outer Control Boundary and Air Noise Boundary</u> 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.</p> <p><u>7.5.4.2 Compliance Within the Air Noise Boundary (ANB)</u> Compliance shall be demonstrated by either adhering to the sound insulation requirements in Rule 36.6.1 and 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.</p> <p><u>7.4.5.3 Compliance Between the Outer Control Boundary (OCB) and the Air Noise Boundary (ANB)</u> 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. Note – Refer to Chapter 2 Definitions for a list of activities sensitive to aircraft noise (ASAN)</p>	NC
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25.5. Rule 7.5.6

493. In terms of Rule 7.5.6 (density), the notified rule limited density to one residential unit (inclusive of any ancillary residential flat) per 300 square metres of net site area, with an exclusion for an area identified as the Queenstown Heights Overlay Area. This rule was proposed to be deleted in Ms Leith’s Section 42A Report and this recommendation was carried over to the Council’s reply.
494. A number of submissions addressed the matter of residential density, both for and against. This has been discussed previously, and our findings in respect of the objectives and policies (to enable and encourage additional density compatible with local amenity values) is referred to.
495. We consider that deletion of this rule has not been substantiated, and we do not agree with it. The proposed subdivision rule acts as the ‘first step’ in limiting development density with its minimum site requirement of 450 square metres. This applies in the case of a fee-simple vacant lot development. Where development is proposed first, or if no subdivision is actually sought (such as a developer constructing a number of units to maintain as rental properties in

one ownership), the Chapter 7 land use rules apply. If this rule were to be deleted, then the only other density control would be the height rule at 7.5.3 (introduced through the Council’s reply but agreed with in our evaluation above), which would limit densities greater than 1:450 square metres only insofar as building height would be in the first instance limited. No other density controls would apply, amounting to an unlimited density in the zone, with residential flats additional to this again.

496. We find that a land use density control is desirable and necessary to implement the objectives and policies we have determined as most appropriate, notably Objective 7.2.1, and in particular Objective 7.2.3, and their policies. We consider that the 1 unit per 300 square metres control is a helpful and relevant intermediary. Given that it is more generous than the basic subdivision control, it has the effect of offering a regulatory incentive for comprehensive “land use + subdivision” planning, which we consider is more effects based and in line with the optimal enablement of community wellbeing. We also consider that the notified non-complying activity status for contravention of this rule is the most appropriate, particularly the requirements of section 104D that would apply given the potential for unacceptable adverse effects and policy conflicts that densities higher than 1 per 300 square metres could give rise to.
497. In reaching this decision, we also note our view that a density of 1 (independently disposable) unit per 300 square metres, with an independently habitable residential flat as well, will deliver a maximum effective household density of 1 unit per 150 square metres. We find that this is approaching the absolute limit that can be described by the lower density, suburban residential character that the zone objectives and policies enable. Beyond this, we consider that the medium and high density zones become more appropriate.
498. Our recommended text, included below, includes the retained Rule 7.5.6 as notified, inasmuch as it relates to the 300 square metres minimum net site area.

7.5.11	Density The maximum site density shall be one residential unit or dwelling per 300m ² net site area.	NC
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499. Turning to the Queenstown Heights Overlay Area, and in terms of the evidence presented by The Middleton Family Trust²¹⁰, we note that this particular matter was dealt with by the Stream 13 Panel which is recommending deletion of the Overlay Area and the more restrictive density rule. This deletion is reflected above and in Appendix 1.

25.6. Rule 7.5.8

500. In terms of Rule 7.5.8 (recession plane), the key submission was from the Council²¹¹, which sought clarifications around the applicability of the rule on flat and sloping sites. Ms Leith, in her Section 42A Report and through the Council reply, agreed with the change sought. The recommended rule would see the plane apply on flat sites to all buildings, and on sloping sites only for accessory buildings.
501. We find that the recession plane is a critical control in the zone, as it helps to shape development along a predominantly detached, suburban character. In so doing, it also maintains the amenity values of adjacent sites by limiting building height close to boundaries where it would be most likely to impede sun and daylight, and result in visual privacy

²¹⁰ Submission 336
²¹¹ Submission 383

(overlooking) effects on or between neighbours. It complements the building height, and density controls already addressed and for that reason we also support the non-complying activity status proposed to apply to any contravention(s) of the rule so that the controls remain operating as an integrated package in support of the policy framework.

502. Our recommended text has been included below. We have made further refinements using Clause 16(2).

7.5.7	<p>Recession planes: On flat sites applicable to all buildings; On sloping sites only applicable to accessory buildings.</p> <p>7.5.7.1 Northern boundary: 2.5m and 55 degrees. 7.5.7.2 Western and eastern boundaries: 2.5m and 45 degrees. 7.5.7.3 Southern boundary: 2.5m and 35 degrees.</p> <p>Exemptions:</p> <p>a. Gable end roofs may penetrate the building recession plane by no more than one third of the gable height. b. Recession planes do not apply to site boundaries adjoining a Town Centre Zone, or fronting a road, or a park or reserve.</p>	NC
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25.7. Rule 7.5.9

503. In terms of Rule 7.5.9 (minimum boundary setbacks), Ms Leith recommended a number of additions to the rule (effectively all exclusions) through her Section 42A Report and also the Council’s reply, in agreement with issues raised by submitters NZIA²¹² and Aurum Survey Consultants Ltd²¹³. The effect of the amendments recommended to us would be to provide for minor parts of buildings, including eaves, all subject to specified limits, to extend into a setback area on the basis that it would bring greater benefits to the community, including visual design quality and weathertightness, and add negligible further adverse effects on the environment.

504. We agree with the submitters and Ms Leith, and find that Rule 7.5.9 as notified be changed as proposed in the Reply version of the provisions, subject only to our own further Clause 16(2) clarifications. Our recommended text is included below.

7.5.8	<p>Minimum Boundary Setbacks</p> <p>8.1.1.1 Road boundary: 4.5m 8.1.1.2 All other boundaries: 2.0m</p> <p>Exceptions to boundary setbacks:</p> <p>a. Accessory buildings for residential activities may be located within the boundary set back distances (other than from road boundaries), where they do not exceed 7. 5m in length, there are no windows or openings (other than for carports) along any walls within 1. 5m of an internal boundary, and they comply with rules for Building Height and Recession Plane;</p>	D
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²¹² Submission 238

²¹³ Submission 166 / Further Submission 1202

	<ul style="list-style-type: none"> b. Any building may locate within a boundary setback distance by up to 1m for an area no greater than 6m² provided the building within the boundary setback area has no windows or openings; c. Eaves may be located up to 600mm into any boundary setback distance along eastern, western and southern boundaries; d. Eaves may be located up to 1m into any boundary setback distance along northern boundaries. 	
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25.8. Rule 7.5.10

505. In terms of Rule 7.5.10 (building separation within sites), Ms Leith recommended to us through her Section 42A Report and the Reply version of the provisions that the rule threshold should reduce from 6m to 4m, and that contravention should elevate to a full discretionary activity rather than the notified restricted discretionary activity status.

506. The key submitters to this rule included Aurum Survey Consultants Ltd²¹⁴, Sean McLeod²¹⁵ and Sean and Jane McLeod²¹⁶. The principal argument in support of a reduced rule threshold from 6m to 4m was that this was equivalent to what two buildings on adjoining sites could result in, based on the 2.0m minimum yard requirement in (notified) Rule 7.5.9. Ms Leith agreed with this but considered the uncertainty of effects to be such that a full discretionary activity should be required to contravene that reduced standard.

507. We find that it is appropriate that the separation between residential units on a single site be managed by the rules. This directly relates to the scale, intensity and character of buildings within the zone and the identified priority of maintaining a suburban level of amenity values therein. We find that the requirement for separation should, on the basis of like-for-like environmental effects, be equivalent to what would be required for buildings separated by a legal boundary.

508. We therefore disagree with Ms Leith. That 4m is the effective separation that permitted activities on adjoining sites are proposed to enjoy, without any supervision, is difficult to reconcile with a potential for adverse effects arising from that same width being achieved between buildings on the same site. We find that the restricted discretionary status should remain, however disagree with T Proctor²¹⁷ that an additional matter of discretion relating to ground level changes is appropriate.

509. We also find, relying on the submission of J Harrington²¹⁸ that an additional matter of discretion that should be added relating to, for development within Arrowtown only, consistency with the Arrowtown Design Guidelines 2016.

510. Our recommended text is included below (including Clause 16(2) clarifications).

²¹⁴ Submission 166
²¹⁵ Submission 389
²¹⁶ Submission 391
²¹⁷ Submission 169
²¹⁸ Submission 309

7.5.9	<p>Building Separation Within Sites</p> <p>For detached residential units on the same site, a minimum separation distance of 4m between the residential units within the development site applies.</p> <p>Note: this rule does not apply to attached dwellings.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Whether site constraints justify an alternative separation distance; b. Whether an overall better amenity values outcome is being achieved, including for off-site neighbours; c. Design of the units, with particular regard to the location of windows and doors so as to limit the potential for adverse effects on privacy between units; d. In Arrowtown, consistency with Arrowtown’s character, as described within the Arrowtown Design Guidelines 2016
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25.9. Rule 7.5.11

511. In terms of Rule 7.5.11 (continuous building length), Ms Leith explained to us in her Section 42A Report that this rule has something of a genesis in the ODP²¹⁹. We were told that the operative rule is cumbersome and difficult to use, despite numerous explanatory diagrams being made available by the Council.

512. Key submitters to this rule were NZIA²²⁰ and Aurum Survey Consultants²²¹. These submitters did not oppose the rule, but sought clarifications. On analysis of these submissions, Ms Leith concluded that wording changes would be sufficient to make the rule clear, and that diagrams (sought by NZIA) were not necessary.

513. We find that Ms Leith’s recommendations are sound and we agree with them. We disagree that interpretative diagrams are necessary and as a general principle of rule drafting, we consider that if a diagram is required to make a rule legible then there is something amiss with the rule. On that basis, we have considered Ms Leith’s recommended text, consider it is legible and straight-forward, and recommend it be adopted.

514. Our recommended text is included below.

²¹⁹ A Leith, Chapter 7 Section 42A Report, paragraphs 10.15-10.19

²²⁰ Submission 238

²²¹ Submission 166

7.5.10	<p>Continuous Building Length The length of any building facade above the ground floor level shall not exceed 16m.</p>	<p>RD Discretion is restricted to: a. External appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties; b. In Arrowtown, consistency with Arrowtown’s character, as described within the Arrowtown Design Guidelines 2016.</p>
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25.10. Rule 7.5.15

515. In terms of Rule 7.5.15 (parking – residential flat), Ms Leith, in her Section 42A Report, agreed with submitter Aurum Survey Consultants Ltd²²² that parking standards should reside in the District Plan’s transport chapter. We see no justification for this notified rule in the zone policy framework, and find in agreement that the rule should be deleted from this section.

25.11. New Rules Proposed to be Introduced by the Section 42A Report and/or Council Reply

516. Ms Leith, through her Section 42A Report, proposed to add two additional rules (road noise – state highway, and height restrictions along Frankton Road), and then through the Reply version two more were proposed (building restriction area, and home occupation).

517. In terms of proposed Rule 7.5.15: road noise state highway, this arose in response to Ms Leith agreeing with the submission of New Zealand Transport Agency²²³. Our analysis is that the rule is appropriate to implement Objective 7.2.1 and its Policy 7.2.1.4 (our recommended numbering) and we recommend this rule’s inclusion.

518. In terms of proposed Rule 7.5.16: height restrictions along Frankton Road, this rule was proposed by Ms Leith, however by the time of the Council’s Reply she had reversed this view and recommended it be deleted. Given that this rule was not notified, and has not enjoyed any section 32 or section 32AA analysis other than by Ms Leith, we are inclined to agree with her that the rule is not necessary or appropriate. We have further considered the submission of Pounamu Body Corporate Committee²²⁴ and find that there is insufficient justification to include a new height restriction.

519. In terms of recommended Rule 7.5.16: building restriction area, this was proposed by Ms Leith as an administrative clarification through the Reply version inasmuch as an equivalent rule was notified in Rule 7.4 (land use activities). We agree with Ms Leith that it is more appropriate that this rule sit in Rule 7.5 and find that it should be included as a Clause 16(2) clarification.

520. In terms of recommended Rule 7.5.17: home occupation, this was also proposed by Ms Leith as a clarification through the Council’s reply for what was originally proposed within Rule 7.4. We agree with Ms Leith and find that the rule should be added to Rule 7.5 as a Clause 16(2) clarification.

²²² Submission 166

²²³ Submission 719

²²⁴ Submission 208

521. Our recommended text for new rules relating to highway noise, buildings within a Building Restriction Area, and home occupations, are included below.

7.5.15	<p>Road Noise – State Highway Any new residential buildings or buildings containing Activities Sensitive to Road Noise, located within:</p> <ul style="list-style-type: none"> a. 80 metres of the boundary of a State Highway that has a speed limit of 70km/h or greater; or b. 40 metres of the boundary of a State Highway that has a speed limit less than 70km/h; <p>shall be designed, constructed and maintained to ensure that the internal noise levels do not exceed 40dB $L_{Aeq(24h)}$ for all habitable spaces including bedrooms.</p>	NC
7.5.16	<p>Building Restriction Area Where a building restriction area is shown on the District Planning Maps, no building shall be located within the restricted area</p>	NC
7.5.17	<p>Home Occupation</p> <p>7.5.16.1 No more than 1 full time equivalent person from outside the household shall be employed in the home occupation activity.</p> <p>7.5.16.2 The maximum number of two-way vehicle trips shall be:</p> <ul style="list-style-type: none"> a. Heavy vehicles: none permitted; b. Other vehicles: 10 per day. <p>7.5.16.3 Maximum net floor area of 60m².</p> <p>7.5.16.4 Activities and storage of materials shall be indoors.</p>	D

25.12. Overall Analysis

522. In terms of the above development rules, we record our finding that they, individually and collectively, are the most appropriate means of implementing the zone objectives and policies. We find that they will be more efficient and effective than the notified rules, and are soundly based on the management of effects and outcomes promoted within the zone policy framework.

26. RULE 8.5

26.1. Overview

523. In the notified PDP, there were 14 activity standards. In Ms Leith's Section 42A Report and subsequent Reply version she recommended increasing this to 16. She recommended a number of other changes on the basis of submissions and her own suggested clarifications.

26.2. Notified Rule 8.5.1 and Reply Version Rule 8.5.15

524. In terms of notified Rule 8.5.1 (the maximum height rule), Ms Leith recommended adding a height restriction on land adjacent to Designation 270, on the basis of submissions from M Prescott²²⁵, W Richards²²⁶, D Richards²²⁷, and Universal Developments Ltd²²⁸. By the time of

²²⁵ Submission 73

²²⁶ Submission 55

²²⁷ Submission 92

²²⁸ Submission 177

the Council reply, Ms Leith instead recommended that this be removed and be the subject of its own additional rule at 8.5.15 of the Reply version.

525. For the reasons outlined in our consideration of Policy 8.2.3.3 (our recommended numbering), our analysis of the issue and likely environmental effects led us to prefer the default zone rules applying to manage the maintenance of reasonable public views from Designation 270, taking into account its undulating landform and 20m width. Because of this, we agree with the Reply version of notified rule 8.5.1, but do not agree with Ms Leith’s (Reply version) additional Rule 8.5.14.
526. Notified Rule 8.5.1 is also numbered 8.5.1 in our recommendations. Our recommended text is provided below.

8.5.1	Building Height (for flat and sloping sites) 8.5.1.1 Wanaka and Arrowtown: A maximum of 7 metres. 8.5.2.2 All other locations: A maximum of 8 metres.	NC
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26.3. Notified Rules 8.5.2 and 8.5.3

527. Rule 8.5.3 (development fronting State Highway 6 between Hansen Road and Ferry Hill Road) has been dealt with in the mapping hearings and we have not considered it. We have included in Appendix 2 Rule 8.5.3 as recommended by the Stream 13 Hearing Panel.
528. In terms of Rule 8.5.2 (sound insulation and mechanical ventilation), Ms Leith recommended a number of clarifications to this rule on the basis of the submission from NZTA²²⁹. We find that Rule 8.5.2 is appropriate. Subject to our own further recommended Clause 16(2) simplifications it should be adopted and no further analysis beyond Ms Leith’s is required.
529. Notified Rule 8.5.2 is also numbered 8.5.2 in our recommendations and it is included below.

8.5.2	Sound insulation and mechanical ventilation Any residential buildings, or buildings containing an Activity Sensitive to Road Noise, and located within 80m of a State Highway shall be designed to achieve an Indoor Design Sound Level of 40dB L _{Aeq24h} . Compliance with this rule can be demonstrated by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level.	NC
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26.4. Notified Rules 8.5.4, 8.5.5, 8.5.6, 8.5.7 and 8.5.8

530. Rule 8.5.4 relates to building coverage. Rule 8.5.5 relates to density. Rule 8.5.6 relates to recession plane setbacks. Rule 8.5.7 relates to landscaped permeable surface. Rule 8.5.8 relates to minimum boundary setbacks.
531. In the Reply version, Ms Leith recommended, based on submissions from the Estate of Norma Kreft²³⁰, and Wanaka Trust²³¹ and the evidence presented at the hearing by their expert Ms Rennie, that contraventions of these rules should be a restricted discretionary activity rather

²²⁹ Submission 719
²³⁰ Submission 512
²³¹ Submission 536

than a full discretionary activity. She also recommended new matters of discretion and otherwise proposed clarifications and simplification in response to issues raised, on a rule-by-rule basis, by other submitters.

532. We find that the objectives and policies of the zone will be most appropriately served by enabling greater design flexibility within the zone and we agree with the evidence given by Ms Rennie at the hearing. Providing for restricted discretionary activities will provide greater encouragement to design outcomes based on the realities of development sites rather than to maximise rule compliance. We also note that as a restricted discretionary activity consent applications can still be refused. On the basis that the recommended restrictions are suitable to address all actual or potential environmental effects of concern we find that the changes will still ensure environmental effects bottom-lines are safeguarded.

533. We agree with and accept Ms Leith’s rationale for changing the rules that was explained in the reply she gave to us on the Council’s behalf. We have however made further recommendations under Clause 16(2) of the Act to simplify the matters of discretion and provide greater consistency between the rules such that the same categories of effects are subject to the same restrictions.

534. The notified rule numbers are unchanged in our recommendations, and are included below.

8.5.4	<p>Building Coverage A maximum of 45%.</p>	<p>RD Discretion is restricted to:</p> <ul style="list-style-type: none"> a. External appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties b. External amenity values for future occupants of buildings on the site c. Effects on views, sunlight and shading on adjacent properties d. Parking and access layout: safety, efficiency and impacts on on-street parking and neighbours e. In Arrowtown, consistency with Arrowtown’s character, as described within the Arrowtown Design Guidelines 2016
8.5.5	<p>Density The maximum site density shall be one residential unit per 250m² net site area.</p>	<p>RD Discretion is restricted to:</p> <ul style="list-style-type: none"> a. External appearance, location and visual dominance of the building(s) as viewed

		<p>from the street(s) and adjacent properties</p> <ul style="list-style-type: none"> b. Internal and external amenity values for future occupants of buildings on the site c. Privacy for occupants of the subject site and neighbouring sites, including cumulative privacy effects resulting from several household units enabling overlooking of another unit or units d. Parking and access layout: safety, efficiency and impacts on on-street parking and neighbours e. Noise f. Servicing including waste storage and collection g. In Arrowtown, consistency with Arrowtown's character, as described within the Arrowtown Design Guidelines 2016
8.5.6	<p>Recession planes: <u>On flat sites applicable to all buildings:</u> <u>On sloping sites only applicable to accessory buildings.</u></p> <p>8.5.6.1 Northern boundary: 2.5m and 55 degrees.</p> <p>8.5.6.2 Western and eastern boundaries: 2.5m and 45 degrees.</p> <p>8.5.6.3 Southern boundaries: 2.5m and 35 degrees.</p> <p>8.5.6.4 Gable end roofs may penetrate the building recession plane by no more than one third of the gable height.</p> <p>8.5.6.5 Recession planes do not apply to site boundaries adjoining a town centre zone, fronting the road, or a park or reserve.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Any sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants b. Effects on any significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan) c. External appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties

		d. In Arrowtown, consistency with Arrowtown’s character, as described within the Arrowtown Design Guidelines 2016
8.5.7	<p>Landscaped permeable surface At least 25% of site area shall comprise landscaped permeable surface.</p>	<p>RD Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Storm water-related effects including flooding and water nuisance b. Visual amenity and the mitigation of the visual effects of buildings and any vehicle parking areas, particularly in relation to any streets or public spaces c. In Arrowtown, consistency with Arrowtown’s character, as described within the Arrowtown Design Guidelines 2016
8.5.8	<p>Minimum Boundary Setback Road boundary setback: 3m minimum, except for:</p> <ul style="list-style-type: none"> a. State Highway boundaries, where the setback shall be 4.5m minimum; b. Garages, where the setback shall be 4.5m minimum; <p>All other boundaries: 1.5m.</p> <p>Exceptions to setback requirements other than any road boundary setback: Accessory buildings for residential activities may be located within the setback distances, where they do not exceed 7.5m in length, there are no windows or openings (other than for carports) along any walls within 1.5m of an internal boundary, and they comply with rules for Building Height and Recession Plane.</p>	<p>RD Discretion is restricted to:</p> <ul style="list-style-type: none"> a. External appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties b. Streetscape character and amenity c. Any sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants d. Effects on any significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan) e. Parking and access layout: safety, efficiency

		and impacts on on-street parking and neighbours f. In Arrowtown, consistency with Arrowtown's character, as described within the Arrowtown Design Guidelines 2016
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26.5. Notified Rule 8.5.9

535. This rule relates to continuous building length. In Ms Leith's Section 42A Report, she recommended simplifying the continuous building length rule and changing its threshold from 16m length to 24m length. She also recommended simplifications to the matters of discretion. These changes were recommended on the basis of submissions from NZIA²³², and Reddy Group Ltd²³³.

536. After the hearing, Ms Leith had come to accept points made by submitters D Clarke²³⁴, S Zuschlag²³⁵, and M Kramer²³⁶ and recommended addition of a matter of discretion relating to the Arrowtown Design Guideline 2016 (in Arrowtown only).

537. We find that the rule should be changed from a maximum 16m length to the 24m length sought by the submitters. We also support inclusion of a reference, in Arrowtown, to the Arrowtown Design Guidelines 2016 in this and all other (restricted discretionary) activity standards. In respect of the latter, we find that the submissions in support of the Arrowtown Design Guideline have expressed that support across the whole zone, not solely in respect to a particular rule or rule sub-set.

538. We have however recommended simplifying the matters of discretion under Clause 16(2) so as to be clearer and more focused.

539. The notified rule number is unchanged in our recommendations, and is included below.

8.5.9	Building Length The length of any building facade above the ground floor level shall not exceed 24m.	RD Discretion is restricted to: a. External appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties b. In Arrowtown, consistency with Arrowtown's character, as described within the
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232 Submission 238
233 Submission 699
234 Submission 26
235 Submission 304
236 Submission 268

26.6. Notified Rule 8.5.10

540. This rule related to minimum window sill heights. In response to consistent submitter opposition²³⁷, Ms Leith recommended deletion of this rule.

541. We agree; although we can see how the rule relates to the policy framework in terms of both amenity values for residents (privacy) and activation of street edges, the rule is overly and unjustifiably prescriptive. We find that the suitability of a window shape that is visible from the street requires consideration beyond sill height and set back distance. Issues such as the window’s horizontal extent and the room or internal use behind it are equally relevant in determining whether a design outcome is successful or adverse. We therefore recommend that the rule be deleted.

26.7. Notified Rules 8.5.11, 8.5.12, 8.5.13, 8.5.14

542. Rule 8.5.11 related to waste and recycling storage space. Rule 8.5.12 related to glare. Rule 8.5.13 related to building setbacks from water bodies. Rule 8.5.14 related to building setbacks from electricity transmission infrastructure. In her Section 42A Report Ms Leith recommended largely retaining these rules as notified, subject to relatively minor renumbering or other refinement. Of note, Ms Leith relied on the submission of Aurum Survey Consultants Ltd²³⁸ to change Rule 8.5.14 (setbacks from electricity transmission infrastructure) so as to confirm that contravention would be a non-complying activity.

543. We find that we have no scope to delete Rule 8.5.11 but recommend the Council consider a variation that does such for the same reasons we disagreed with the equivalent rule in Chapter 7 (notified Rule 7.5.12). In summary, we disagree that the proposed waste storage rule has been adequately justified across the District. Similarly, we recommend the Council consider a variation to Rules 8.5.12 (changing a non-complying status for rule contravention to restricted discretionary status) and 8.5.13 (retaining a 20m setback opportunity) for the same reasons as we have presented in respect of notified Rules 7.5.13 and 7.5.14 respectively.

544. Overall however, we find that the rules are generally appropriate subject to our own minor renumbering and text changes to Rule 8.5.12 so as to bring it into line with its equivalent in the other residential zones.

545. In our recommendations Rule 8.5.11 becomes 8.5.10; Rule 8.5.12 becomes 8.5.11; Rule 8.5.13 becomes 8.5.12; and Rule 8.5.14 becomes 8.5.13. Our recommended text is provided below.

8.5.10	Waste and Recycling Storage Space 8.5.10.1 Residential and Visitor Accommodation activities shall provide, as a minimum, space for a 120 litre residential wheelie bin and 240 litres recycling wheelie bin per residential unit. 8.5.10.2 All developments shall suitably screen waste and recycling storage space from neighbours, a road or public space, in	NC
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²³⁷ Submissions included those from NZIA (238), Jandel Trust (717) and FII Holdings Ltd (847)
²³⁸ Submission 166

	keeping with the building development or provide space within the development that can be easily accessed by waste and recycling collections.	
8.5.11	<p>Glare</p> <p>8.5.11.1 All exterior lighting shall be directed downward and away from the adjacent sites and roads.</p> <p>8.5.11.2 No activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site.</p>	NC
8.5.12	<p>Setback of buildings from water bodies</p> <p>The minimum setback of any building from the bed of a river, lake or wetland shall be 7m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> Indigenous biodiversity values Visual amenity values Landscape character Open space and the interaction of the development with the water body Environmental protection measures (including landscaping and stormwater management) Whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the location of the building.
8.5.13	<p>Setbacks from electricity transmission infrastructure</p> <p>National Grid Sensitive Activities are located outside of the National Grid Yard.</p>	NC

26.8. Reply Version Rule 8.5.14

546. Ms Leith relied on the submission from M Lawton²³⁹ to add new Rule 8.5.14 (as in her recommendations the notified 8.5.14 became 8.5.13) relating to the dominance effects of garage doors. In the Reply, Ms Leith then recommended changing her Section 42A text so as to make the rule clearer.

²³⁹ Submission 117

547. We find that this rule is appropriate and directly implements the policy framework seeking high quality, safe and attractive street edges. We support it and recommend it be adopted.

548. In our recommendations, this rule is also numbered 8.5.14 and is included below.

8.5.14	<p>Garages Garage doors and their supporting structures (measured parallel to the road) shall not exceed 50% of the width of the front elevation of the building which is visible from the street.</p>	D
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26.9. Reply Version Rule 8.5.16

549. Ms Leith recommended transferring the home occupation permitted activity standard from Rule 8.4 into Rule 8.5. We have discussed this previously and record our agreement with this structural change to the Plan. We also record our dissatisfaction with the limitations proposed, as has been previously identified. In our recommendations, this rule has been renumbered as Rule 8.5.15 and is included below.

8.5.15	<p>Home Occupation 8.5.15.1 No more than 1 full time equivalent person from outside the household shall be employed in the home occupation activity. 8.5.15.2 The maximum number of two-way vehicle trips shall be: a. Heavy vehicles: none permitted b. Other vehicles: 10 per day 8.5.15.3 Maximum net floor area of 60m² 8.5.15.4 Activities and storage of materials shall be indoors</p>	D
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26.10. New Rule 8.5.16

550. We lastly note comments made previously to relocate the ‘Building restriction area’ activity rule notified as Rule 8.4.4 into Rule 8.5 and we have added this as a new rule on the basis of a Clause 16(2) clarification that makes the plan more coherent. It is included below.

8.5.16	<p>Building Restriction Area No building shall be located within a building restriction area as identified on the District Plan Maps.</p>	NC
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26.11. Overall

551. Overall, the provisions we recommend are set out within our recommended provisions as part of **Appendix 2**. We find that they are the most appropriate to implement the settled objectives and policies and of note mediate the accommodation of substantial population growth in a way that will adequately maintain existing amenity and character values.

27. RULE 9.5

27.1. Overview

552. In the notified PDP, there were 11 activity standards. In Ms Banks’ Section 42A Report she recommended increasing this to 12. She recommended a number of other changes on the basis of submissions and her own suggested clarifications.

27.2. Notified Rule 9.5.1

553. As notified this rule provided for building height on flat sites within Queenstown and Wanaka. For Queenstown (with exceptions), it was proposed through the Section 42A Report to make extensive changes to the notified rule on the basis of several submissions²⁴⁰. Through the Council's reply at the conclusion of the hearing, Ms Banks proposed further refinements and clarifications. In summary Ms Banks recommended changes were to:
- a. Delete reference to the New Zealand Green Building Homestar Tool.
 - b. Provide for building height up to 12m as a permitted activity.
 - c. Provide for building height between 12m and 15m as a restricted discretionary activity.
 - d. Provide for building height above 15m as a non-complying activity.
 - e. Propose matters of discretion for the new restricted discretionary activity
 - f. Undertake other text simplifications, corrections and refinements.
554. The proposed height limits were of substantial submitter interest and became inseparable from related submissions focusing on urban design and visual quality, and general amenity values within the zone.
555. On consideration of the issue we accepted the evidence made by those submitters supporting greater development potential within the zone, and the Council's experts Ms Falconer and Mr Osborne. We find that the growth needs of the District, and the unique capability of residential zoned land close to the major town centres to sustainably accommodate this, to be a very compelling resource management priority.
556. However we accept that there needs to be a reasonable recognition given to existing residents and their amenity values; a carte-blanche growth approach would no better serve sustainable management than a conservation-centric adherence to the status quo.
557. We find as follows:
- a. Rule 9.5.1 should be split into two different rules, one for flat sites in Queenstown (our recommended 9.5.1) and one for flat sites in Wanaka (our recommended 9.5.2). This is in accordance with Ms Banks' S.42A version. It reflects that these are very different environments and the notified rule itself was unnecessarily lengthy because of this split.
 - b. In Queenstown, height should be permitted to 12m, then to 15m as a restricted discretionary activity then a discretionary activity above that. We were not convinced that a non-complying activity status was necessary or appropriate.
 - c. In Wanaka, height should be limited to 8m as a permitted activity, then up to 10m as a restricted discretionary activity, then a discretionary activity above 10m.
 - d. For both Queenstown and Wanaka restricted discretionary activities, the matters of discretion require substantial simplification and revision, and we have done this on the basis of the input from the submissions and under Clause 16(2) of the Act.
 - e. For both Queenstown and Wanaka, a number of exclusions apply and we have simplified these under Clause 16(2) of the Act to make the rules as a whole as concise as is reasonably achievable given the importance of the issue.
 - f. With the incorporation of the above changes, the rules will most appropriately balance the enablement of high density housing that can maximise the benefits of being very close to town centres, in a way that will still safeguard the minimum acceptable amenity values for existing residents. On an overall balance however, we find that the rules should tip slightly in favour of the needs of future generations than the current one inasmuch as the amenity value protections we agree with will still provide for substantial change within the zone.

²⁴⁰ Including Submissions 410, FS1059, FS1331, 238, FS1260, 208 and 520

558. In the Section 42A Report, Ms Banks also proposed to exceptions to the 12m height limit. The first, in the HDRZ immediately west of the Kawarau Falls Bridge, responded to a submission by Lakes Edge Development Ltd²⁴¹ which sought to retain a bespoke solution reached in the ODP. We agree with Ms Banks’ reasoning and include that as Rule 9.5.1.2.
559. The second exception responded to submissions by Pounamu Body Corporate²⁴² and Fred van Brandenburg²⁴³ which sought to protect views of the lake from along Frankton Road (SH6A). Mr Falconer agreed that such a restriction would be beneficial to ensure views of the lake could be maintained, but he and Ms Banks had concerns with the rules as proposed by the submitters. We accept their reasoning and have included this exception as Rule 9.5.1.3 (with some minor drafting improvements) and identified on the Planning Maps the stretch of road to which it applies.
560. Our recommended rules are included below and also in **Appendix 3**.

9.5.1	<p>Building Height – Flat Sites in Queenstown</p> <p>9.5.1.1 A height of 12 metres except where specified in Rules 9.5.12, 9.5.1.3 or 9.5.1.4.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Building design and appearance, including roof form articulation and the avoidance of large, monolithic building forms b. Building dominance and sunlight access relative to neighbouring properties and public spaces including roads c. How the design advances housing diversity and promotes sustainability either through construction methods, design or function d. Privacy for occupants of the subject site and neighbouring sites e. Effects on significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan) f. The positive effects of enabling additional development intensity
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²⁴¹ Submission 529
²⁴² Submission 208
²⁴³ Submission 520

		within close proximity to town centres
	<p>9.5.1.2 In the High Density Residential Zone immediately west of the Kawarau Falls Bridge the maximum building height shall be 10m provided that in addition no building shall protrude above a horizontal line orientated due north commencing 7m above any given point along the required boundary setbacks at the southern zone boundary</p> <p>9.5.1.3 Within the area specified on the planning maps on the south side of Frankton Road (SH6A), the highest point of any building shall not exceed the height above sea level of the nearest point of the SH6A carriageway centreline.</p> <p>9.5.1.4 Maximum building height of 15m</p>	<p>D</p> <p>D</p> <p>D</p>
9.5.2	<p>Building Height – Flat Sites in Wanaka</p> <p>9.5.2.1 A height of 8m except where specified below.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. Building design and appearance, including roof form articulation and the avoidance of large, monolithic building forms b. Building dominance and sunlight access relative to neighbouring properties and public spaces including roads c. How the design advances housing diversity and promotes sustainability either through construction methods, design or function d. Privacy for occupants of the subject site and neighbouring sites e. Effects on significant public views, in particular from Lismore Park (based on an assessment of public views undertaken at the time of the proposal, in

		<p>addition to any specified significant public views identified within the District Plan)</p> <p>f. The positive effects of enabling additional development intensity within close proximity to town centres</p>
	9.5.2.2 Maximum building height of 10m	D

27.3. Notified Rules 9.5.2 and 9.5.3

561. Rules 9.5.2 and 9.5.3 related to building height on sloping sites. The sloping height rule intends to manage building bulk on sites that have different characteristics and potential for adverse effects than flat sites. In the notified PDP, Rule 9.5.2 provided for permitted heights up to 7m, then heights up to 10m as a restricted discretionary activity. Rule 9.5.3 then specified that heights above 10m would be a non-complying activity.

562. The rule attracted a number of submissions, including from Lakes Edge Development Ltd²⁴⁴, Pounamu Body Corporate Committee²⁴⁵, and Fred van Brandenburg²⁴⁶.

563. In her S.42A version and subsequent Reply version, Ms Banks effectively supported the notified approach however recommended a number of clarifications including condensing notified Rules 9.5.2 and 9.5.3 into one rule (Rule 9.5.3 in both the S.42A and Reply versions).

564. We find that the Reply version of the rule is largely sound, however we have recommended a number of further clarifications and simplifications under Clause 16(2). Of greatest note, we find that a non-complying activity for building height above 10m is not appropriate, and that a discretionary activity is the more efficient and effective given the balance of policy direction for the zone in favour of growth and intensification.

565. In our recommendations, notified Rules 9.5.2 and 9.5.3 become Rule 9.5.3. Our recommended text is included below. Rules 9.5.3.2 (building height West of Kawarau Falls Bridge) and 9.5.3.3 (building height on the south side of Frankton Road) have been included for the same reasons we recommended they be included in Rule 9.5.1.

9.5.3	<p>Building Height – Sloping sites in Queenstown and Wanaka</p> <p>9.5.3.1 A height of 7m, except as specified below.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. Building design and appearance, including roof form articulation and the avoidance of large,</p>
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²⁴⁴ Submission 529

²⁴⁵ Submission 208

²⁴⁶ Submission 520

	<p>9.5.3.2 Immediately west of the Kawarau Falls Bridge the maximum building height shall be 10m provided that in addition no building shall protrude above a horizontal line orientated due north commencing 7m above any given point along the required</p>	<p>monolithic building forms</p> <ul style="list-style-type: none"> b. Building dominance and sunlight access relative to neighbouring properties and public spaces including roads c. How the design advances housing diversity and promotes sustainability either through construction methods, design or function d. How the design responds to the sloping landform so as to integrate with it e. Privacy for occupants of the subject site and neighbouring sites f. Effects on significant public views, in particular from Lismore Park (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan) g. The positive effects of enabling additional development intensity within close proximity to town centres <p>D</p>
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	boundary setbacks at the southern zone boundary.	
9.5.3.3	Within the area specified on the planning maps on the south side of Frankton Road (SH6A), the highest point of any building shall not exceed the height above sea level of the nearest point of the road carriageway centreline.	D
9.5.3.4	Maximum building height of 10m	D

27.4. Notified Rules 9.5.4, 9.5.6, 9.5.7, 9.5.8, 9.5.9, 9.5.10 and 9.5.11

566. Rule 9.5.4 related to building coverage. Rule 9.5.6 related to recession plane setbacks. Rule 9.5.7 related to landscaped permeable surface coverage. Rule 9.5.8 related to continuous building length. Rule 9.5.9 related to minimum boundary setbacks. Rule 9.5.10 related to waste and recycling storage space. Rule 9.5.11 related to glare. These rules were the subject of minimal recommendation in Ms Banks' Section 42A Report or the Reply.

567. Key recommended changes from Ms Banks were:

- a. Changing notified Rule 9.5.4 (building coverage) to express a building coverage limit of 70% for both flat and sloping sites (relying on the submissions of Pounamu Body Corporate Committee²⁴⁷, Alps Investment Ltd²⁴⁸, Hurtell Proprietary Ltd²⁴⁹ and Mount Crystal Ltd²⁵⁰).
- b. Clarifying notified Rule 9.5.8 (continuous building length) based on the submission of NZIA²⁵¹ and to otherwise make the rule's matters of discretion consistent with the equivalent rule in Chapter 8 (Reply version Rule 8.5.9).
- c. Changing Rule 9.5.9 (minimum boundary setbacks) to require a minimum 4.5m setback for any state highway boundary on the basis of the submission of NZTA²⁵².

568. We agree with the rules as recommended by Ms Banks in the Reply version although have recommended further changes to their structure, numbering and in particular the wording of matters of discretion under Clause 16(2) of the Act. This is to make the rules simpler and otherwise ensure they are consistent with equivalent rules in other residential zones. We make the following comments in respect of each individual rule:

- a. We recommend adding a requirement to the building coverage exclusion in rule 9.5.4 that any underground structures being exempted are to be landscaped on their top so as to not appear to the viewer as a building. We have drawn scope for this change on the basis of the many submissions made emphasising the need for high quality and landscape amenity within the zone. In our recommendations, notified rule 9.5.4 remains so numbered. Our recommended text is included below.

²⁴⁷ Submission 551

²⁴⁸ Submission 612

²⁴⁹ Further submission 1271

²⁵⁰ Further submission 1331

²⁵¹ Submission 238

²⁵² Submission 719

9.5.4	<p>Building Coverage A maximum of 70% site coverage</p> <p>Exclusions:</p> <ul style="list-style-type: none"> • Building coverage does not include any veranda over public space and does not apply to underground structures, which are not visible from ground level and which are landscaped to appear as recreational or planted (including grassed) areas. 	NC
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- b. We recommend changing Rule 9.5.6 so that contravention of the recession plane shall be a restricted discretionary activity for boundaries where the adjoining land is also within the zone. We agree that, where the adjoining land is of a different zone and is not listed within the rule's exclusions, a non-complying activity status should apply. We have also recommended the addition of matters of discretion, based on those recommended for the MDRZ Rule 8.5.6 (our recommended version). We have found scope for this change on the basis of those submissions seeking high quality design-based outcomes, and within which, a consistent emphasis on the need for the Plan provisions to not punitively discourage design innovation, was convincing, most directly from Ms Rennie on behalf of Estate of Normal Kreft²⁵³; and Wanaka Trust²⁵⁴. Although Ms Rennie's evidence was presented in respect of Chapter 8 rules, her evidence and the submissions she spoke to were plainly expressed as more general principles applicable to all zones. Notified Rule 9.5.6 is numbered 9.5.5 in our recommendations. Our recommended text is included below.

9.5.5	<p>Recession plane (applicable to all buildings, including accessory buildings)</p> <p>9.5.5.1 For Flat Sites from 2.5 metres above ground level a 45 degree recession plane applies to all boundaries, other than the northern boundary of the site where a 55 degree recession plane applies.</p> <p>9.5.5.2 No recession plane for sloping sites</p> <p>Exclusions:</p> <ol style="list-style-type: none"> Gable end roofs may penetrate the building recession plane by no more than one third of the gable height Recession planes do not apply to site boundaries adjoining a Town Centre Zone, fronting a road, or adjoining a park or reserve. 	<p>RD – for boundaries where the High Density Residential zone applies on each side of the boundary</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> Any sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants Effects on any significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan) External appearance, location and visual dominance of the building(s) as viewed from
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²⁵³ Submission 512/Further Submission 1300

²⁵⁴ Submission 536

		<p>the street(s) and adjacent properties.</p> <p>NC – for boundaries where there is a change of zone other than as specified in the exclusions.</p>
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- c. We recommend retaining a non-complying activity status for contraventions of the landscaped coverage rule notified as 9.5.7. Notwithstanding our general agreement with the benefits of a restricted discretionary activity status in terms of encouraging more innovative design solutions, we see the landscaping requirement as a critical bottom line to assure amenity value outcomes within the zone given the scale and intensity of buildings that are being otherwise enabled. Notified Rule 9.5.7 is renumbered as 9.5.6 in our recommendations. Our recommended text is included below.

9.5.6	<p>Landscaped permeable surface coverage At least 20% of site area shall comprise landscaped (permeable) surface.</p>	NC
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- d. We recommend changing notified Rule 9.5.8 so as to further simplify the rule and bring it into line with the equivalent rules in Chapters 7 (our recommended Rule 7.5.10) and 8 (our recommended Rule 8.5.9). In our recommendations notified Rule 9.5.8 becomes 9.5.7. Our recommended text is included below.

9.5.7	<p>Building Length The length of any building facade above the ground floor level shall not exceed 30m.</p>	<p>RD Discretion is restricted to: a. External appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties</p>
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- e. We recommend changing the contravention status of notified Rule 9.5.9 from full discretionary to restricted discretionary. We find that the potential effects relating to boundary setbacks can be very reliably predicted and on that basis adequate matters of discretion can be stated. We find that this will make the plan more efficient and is likely to encourage design innovation as previously discussed. We also find that garages should be set back a minimum of 4.5m from any road boundary to help implement the policy framework and allow a vehicle to park safely in front of a garage (Mr Falconer confirmed to us verbally²⁵⁵ that a 4.5m setback would be sufficient given that footpaths within a road reserve were not typically placed directly at the boundary line but 1m or more into the road reserve). We find we have scope to make this addition on the basis of the many submitters that sought high design quality within the zone. In our recommendations notified rule 9.5.9 becomes 9.5.8. Our recommended text is included below.

<p>[9.5.9] 9. 5. 8</p>	<p>Minimum Boundary Setbacks</p>	<p>RD Discretion is restricted to:</p>
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Verbal response of Garth Falconer to Commissioner questions at the Stream 6 hearing

	<p>9.5.8.1 All boundaries 2 metres except for state highway road boundaries where the minimum setback shall be 4.5m.</p> <p>9.5.8.2 Garages shall be at least 4.5m back from a road boundary</p> <p>Exceptions to setback requirements other than any road boundary setbacks: Accessory buildings for residential activities may be located within the setback distances, where they do not exceed 7.5m in length, there are no windows or openings (other than for carports) along any walls within 1.5m of an internal boundary, and comply with rules for Building Height and Recession Plane.</p>	<p>a. External appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties</p> <p>b. Streetscape character and amenity</p> <p>c. Any sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants</p> <p>d. Effects on any significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan)</p> <p>e. Parking and access layout: safety, efficiency and impacts on on-street parking and neighbours</p>
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- f. We accept notified Rule 9.5.10 although as identified elsewhere we have struggled to see the justification or need for this rule and recommend the Council consider a Plan Variation or Change to delete it. In our recommendations notified Rule 9.5.10 becomes 9.5.9. Our recommended text is included below.

9.5.9	<p>Waste and Recycling Storage Space</p> <p>9.5.9.1 Residential activities of three units or less shall provide, as a minimum, space for a 120 litre residential wheelie bin and 240 litres recycling wheelie bin per unit.</p> <p>9.5.9.2 All developments shall screen waste and recycling storage space from neighbours, a road or public place, in keeping with the building development or, provide space within the development that can be easily accessed by waste and recycling collections.</p>	NC
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- g. We recommend minor clarification of notified Rule 9.5.11 on the basis of Clause 16(2), and as we have recommended for the other residential zones. In our recommendations, notified Rule 9.5.11 becomes 9.5.10. Our recommended text is included below. We note

again our recommendation that this rule be the subject of a variation to change the contravention activity status from non-complying to restricted discretionary.

9.5.10	<p>Glare</p> <p>9.5.10.1 All exterior lighting shall be directed downward and away from the adjacent sites and roads,</p> <p>9.5.10.2 No activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site</p>	NC
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27.5. Notified Rule 9.5.5

569. This rule was for a floor area ratio control (flat sites only). It was opposed by Aurum Survey Consultants Ltd²⁵⁶. Ms Banks agreed with the submitter and recommended in her Section 42A Report that the rule be deleted.

570. We agree, and consider the control to have no justification or demonstrable need in light of the other activity standards and design-based matters of discretion already recommended within the zone. As a consequential amendment we also recommend deleting the phrase “floor area ratio” from Policy 9.2.3.1 to ensure consistency between the policies and the rules.

27.6. Reply Version Rule 9.5.11

571. First introduced in Ms Banks Section 42A Report, new Rule 9.5.11 has arisen in response to the submission of NZTA²⁵⁷ which sought sound insulation and mechanical ventilation requirements for development close to a state highway. We agree with and accept this rule, and note we have supported similar rules in Chapters 7 and 8. In our recommendations Reply version Rule 9.5.11 remains so numbered. Our recommended text is included below.

9.5.11	<p>Sound Insulation and Mechanical Ventilation</p> <p>For buildings located within 80 m of a State Highway.</p> <p>Any residential buildings, or buildings containing an Activity Sensitive to Road Noise, and located within 80m of a State Highway shall be designed to achieve an Indoor Design Sound Level of 40dB LA_{eq24h}.</p> <p>Compliance with this rule can be demonstrated by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the internal design sound level.</p>	NC
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27.7. Reply Version Rule 9.5.12

572. In the her Reply statement, Ms Banks sought to introduce a rule specifying limits for home occupations, based on those proposed and which we have accepted with in Chapters 7 (our recommended Rule 7.5.16), 8 (our recommended Rule 8.5.15) and 11 (our recommended Rule 11.5.7). We have been unable to find scope to allow this change and in any event do not support it. For Chapters 9 and 10 the Council has notified home occupation provisions with unlimited parameters and this is, in our view, the most appropriate means of balancing the enabling aspect of each zone’s policy framework with that part focused on amenity and

²⁵⁶ Submission 166

²⁵⁷ Submission 719

character values. We find rules limiting activities within dwellings that have imperceptible external effects (especially the floor area limitation) difficult to justify. Because of this, and in addition to our support for the lack of home occupation limitations notified by the Council in Chapters 9 and 10, we recommend the Council undertake a variation to revise the Chapter 7, 8 and 11 home occupation rules to bring them into alignment with the Chapter 9 and 10 equivalents.

27.8. New rules 9.5.12 and 9.5.13

573. We recommend the addition of new Rules 9.5.12 and 9.5.13. These are relocations of notified Rules 9.4.2 and 9.4.22 respectively, which we find sit more appropriately in Rule 9.5. We recommend this change under Clause 16(2). Our recommended text for these rules is included below.

9.5.12	Building Restriction Area No building shall be located within a building restriction area as identified on the District Plan Maps.	NC
9.5.13	Flood Risk The construction or relocation of buildings with a gross floor area greater than 20m ² and having a ground floor level less than: RL 312.0 masl at Queenstown and Frankton. RL 281.9 masl at Wanaka.	PR

27.9. Overall

574. Overall, the provisions we recommend are set out within our recommended provisions as part of **Appendix 3**. We find that they are the most appropriate to implement the settled objectives and policies and, of note, mediate the accommodation of substantial growth in a way that will adequately maintain existing amenity and character values.

27.10. Other Matters

575. Ms Banks referred us to a submission²⁵⁸ seeking the removal of the minimum lot size set by notified Rule 27.5.1²⁵⁹. She referred us to Mr Falconer’s evidence that the lot size in this zone should be larger than the 450m² minimum set by Rule 27.5.1 to enable adequate space for landscaping, access and carparking requirements.

576. We accept that evidence and note that in this zone the activity rules are designed to enable multiple residential units on a site, rather than the single residential unit per site that could be expected in the Lower Density Suburban Residential Zone or the Large Lot Residential Zone.

28. RULE 10.5

28.1. Overview

577. In the notified PDP, there were 7 activity standards. In Ms Law’s Section 42A Report she recommended increasing this to 8 on the basis of relocating proposed Rule 10.4.13 (as has been the case in the other residential zones). She recommended a number of other changes on the basis of submissions and her own suggested clarifications.

²⁵⁸ Submission 166

²⁵⁹ K Banks, Section 42A Report, section 14

28.2. Rules 10.5.1, 10.5.2, 10.5.3, 10.5.4, and 10.5.7

578. Rule 10.5.1 related to building height. Rule 10.5.2 related to density. Rule 10.5.3 related to building coverage. Rule 10.5.4 related to combined building coverage and hard (impermeable) surface coverage. Rule 10.5.7 related to glare.
579. After considering the submissions, Ms Law recommended retaining Rules 10.5.1, 10.5.2, 10.5.3, 10.5.4 and 10.5.7 as notified. The key submitter relevant to Rules 10.5.1, 10.5.3 and 10.5.4 was the New Zealand Fire Service²⁶⁰. It sought exemptions for its fire station operations. We agree with Ms Law that there is no justifiable basis to provide the relief sought in light of the potential adverse environmental effects that could result. We consider that a land use consent remains the most appropriate means of accommodating fire stations, and their operational requirements, within the zone.
580. In terms of these proposed rules, we have considered them against the submissions and further submissions, and the settled objectives and policies. We agree that Rules 10.5.1 and 10.5.2 are the most appropriate and should not be subject to any further change.
581. However, for Rules 10.5.3, 10.5.4 and 10.5.7 we consider that minor rewording to bring the wording into line with our preferred text across the residential zones is required. These changes can occur under Clause 16(2).
582. The text we recommend is set out below and as part of **Appendix 4**.

10.5.1	Building Height A maximum height limit of 5 metres.	NC
10.5.2	Density Not more than one Residential Unit per 650 square metres of net site area.	NC
10.5.3	Building Coverage The Maximum building coverage shall be 30% of the net site area.	NC
10.5.4	Combined Building Coverage and Impervious Surfaces The total area covered by building coverage and impervious surfaces on any site shall not exceed 35% of the net site area.	NC
10.5.7	Glare a. All exterior lighting shall be directed downward and away from the adjacent sites and roads. b. No activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site.	NC

583. We find that the provisions as worded above will be the most appropriate to implement the settled (our recommended) objectives and policies.

28.3. Rules 10.5.5 and 10.5.6

584. Rule 10.5.5 related to road (front) boundary setbacks. Rule 10.5.6 related to side and rear yard boundary setbacks.

²⁶⁰ Submission 438

585. Ms Law recommended retaining the rules as notified but rewording the matters of discretion. In the Reply version she further recommended that a reference to the Arrowtown 2016 guideline be added as a clarification to Rule 10.5.5 but, anomalously in our view, not also for Rule 10.5.6.

586. We find that the notified matters of discretion require substantial revision and we have recommended this below and in **Appendix 4**, under Clause 16(2) of the Act. We largely accept Ms Law’s recommendations but consider more direct and concise language is possible and desirable. We also consider that reference to the 2016 Arrowtown Guideline is appropriate for both rules.

10.5.5	<p>Road Boundary Setbacks</p> <p>Where existing buildings (other than accessory buildings) are already located on the site - the shortest distance from the road boundary to the building (other than an accessory building) measured at right angles to the front boundary; or</p> <p>Where no existing buildings (other than accessory buildings) are located on the site the mean of the setback of any buildings (other than accessory buildings) located on the immediately adjoining lots or 6. 0m, whichever is the greater.</p>	<p>RD</p> <p>Discretion is restricted to the following, with the Arrowtown Design Guidelines 2016 being the principal tool to be used in considering the merit of proposals (within the matters of discretion):</p> <ul style="list-style-type: none"> a. Streetscape character and amenity values, including the extent to which the building(s) sit compatibly with neighbours to the side and across the street. b. Building dominance on neighbouring properties and the street c. Landscaping d. Parking and manoeuvring
10.5.6	<p>Side and Rear Boundary Setbacks</p> <p>10.5.6.1 Side and rear boundary setbacks: 3.0m</p> <p>10.5.6.2 Exceptions to side and rear boundary setbacks:</p> <ul style="list-style-type: none"> a. Accessory buildings for residential activities are permitted within the setback distance, providing they do not exceed 7. 5m in length and comply with the recession plane of 2.5m vertical measured at the boundary, and a 35 degree plane inward. b. Gable end roofs may penetrate the above building recession plane by no more than one third of the gable height. 	<p>RD</p> <p>Discretion is restricted to the following, with the Arrowtown Design Guidelines 2016 being the principal tool to be used in considering the merit of proposals (within the matters of discretion):</p> <ul style="list-style-type: none"> a. Effects on open space, privacy, sunlight access and amenity values of neighbouring properties. b. Building dominance.

	<p>c. Recession planes do not apply to site boundaries fronting the street or a reserve.</p> <p>Note: Refer to the recession planes interpretive diagram in Chapter 2 Definitions.</p>	
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28.4. Rule 10.5.8

587. To accommodate Rule 10.4.13 into Rule 10.5, Ms Law recommended inserting it as a new Rule 10.5.5, consequentially renumbering the notified Rules 10.5.5, 10.5.6 and 10.5.7 as 10.5.6, 10.5.7 and 10.5.8 respectively.

588. We find that the relocation should occur for the same reasons that we have supported it in the other residential zones. However, we see no reasons to justify the unnecessary disruption of inserting it into the middle, rather than at the end, of the notified rule table. For this reason we recommend that notified Rule 10.4.13 become a new Rule 10.5.8. This is included below for convenience.

10.5.8	<p>Building Restriction Area No building shall be located within a building restriction area as identified on the District Plan Maps.</p>	NC
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28.5. Overall analysis

589. In respect of the above analysis, we find that the simplification and revision of rules set out above and in **Appendix 4** are appropriate as Clause 16(2) clarifications, or otherwise as responses to matters raised within submissions to the PDP.

590. We also find that they reflect the most appropriate means of implementing the objectives and policies we have identified earlier including by way of making the plan more readily administrable. We also find that a more consistent reference to the Arrowtown Guidelines 2016 will better provide for the maintenance and enhancement of amenity values within the zone.

29. RULE 11.5

29.1. Overview

591. In the notified PDP, there were 11 proposed activity standards. By the time of the Reply version this was proposed by the Council to be increased by 1, being relocated Rule 11.4.11 (Building Restriction Area) discussed previously in respect of Chapters 7, 8, 9 and 10.

29.2. Rules 11.5.2, 11.5.4, 11.5.5, 11.5.7, 11.5.8, and 11.5.11

592. Rule 11.5.2 related to building coverage. Rule 11.5.4 related to building setbacks from road (front) boundaries. Rule 11.5.5 related to building setbacks from waterbodies. Rule 11.5.7 related to home occupations. Rule 11.5.8 related to glare. Rule 11.5.11 related to recession plane setbacks. By the time of the Council’s reply, proposed Rules 11.5.2, 11.5.4, 11.5.7, 11.5.8 and 11.5.11 were proposed to be retained unchanged from the notified version.

593. In terms of Rule 11.5.2, we agree with the rule although have recommended simplifications to the matters of discretion to make them clearer and also more consistent with matters we have

recommended elsewhere within this chapter and the other residential chapters. Our recommended text is included below.

11.5.2	<p>Building Coverage The maximum building coverage shall be 15% of the net site area.</p>	<p>RD Discretion is restricted to:</p> <ul style="list-style-type: none"> a. The effect on openness and spaciousness b. Effects on views and outlook from neighbouring properties c. Visual dominance of buildings d. Landscaping
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594. In terms of Rule 11.5.4, we are in agreement with the rule and recommend no further changes. Our recommended text is included below.

11.5.4	<p>Setback from roads The minimum setback of any building from a road boundary shall be 10m.</p>	NC
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595. In terms of Rule 11.5.5, we agree with the rule although recommend the addition of “and public access” to the restriction “open space” given that the purpose of the rule relates to waterbodies and in turn section 6(d) of the Act. We find that this change is a reasonable clarification under Clause 16(2) given that it clarifies the purpose of a matter of discretion, and does not create a new development standard or development imposition. Our recommended text is included below.

11.5.5	<p>Setback of buildings from water bodies The minimum setback of any building from the bed of a river, lake or wetland shall be 20m.</p>	<p>RD Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Any indigenous biodiversity values b. Visual amenity values c. Landscape character d. Open space including public access e. Whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the location of the building
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596. In terms of Rule 11.5.7, we agree with the rule although have recommended minor reformatting to bring the rule’s construction into line with the balance of rules in the chapter. We refer to earlier comments made in respect of our encouragement to the Council to reconsider the necessity of this particular rule in Chapters 7, 8 and 11 through a Plan Variation. Our recommended text is below.

11.5.7	<p>Home Occupation</p> <p>Home occupation activities shall comply with the following:</p> <p>11.5.7.1 No more than 1 full time equivalent person from outside the household shall be employed in the home occupation activity</p> <p>11.5.7.2 The maximum number of vehicle trips shall be:</p> <ul style="list-style-type: none"> • Heavy Vehicles: 2 per week • Other vehicles: 10 per day <p>11.5.7.3 Maximum net floor area of not more than 60m²</p> <p>11.5.7.4 Activities and the storage of materials shall be indoors</p>	D
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597. In terms of Rule 11.5.8, we agree with the rule although have recommended minor rewording to simplify the wording under Clause 16(2). Our recommended text is included below.

11.5.8	<p>Glare</p> <p>a. All exterior lighting shall be directed downward and away from the adjacent sites and roads.</p> <p>b. No activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site.</p>	D
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598. In terms of Rule 11.5.11, we agree with this rule although have recommended minor rewording under Clause 16(2) to the reference to Chapter 2 Definitions in the rule's supporting note. Our recommended text is included below.

11.5.11	<p>Recession Plane</p> <p>The following applies to all sites with a net site area less than 4000m²:</p> <p>11.5.11.1 Northern boundary: 2.5m and 55 degrees.</p> <p>11.5.11.2 Western and eastern boundaries: 2.5m and 45 degrees.</p> <p>11.5.11.3 Southern boundary: 2. m and 35 degrees.</p> <p>Exemptions</p> <p>a. Gable end roofs may penetrate the building recession plane by no more than one third of the gable height.</p> <p>b. Recession planes do not apply to site boundaries fronting a road or a reserve.</p>	NC
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29.3. Rule 11.5.1

599. In terms of the maximum height rule, Ms Leith recommended changing Rule 11.5.1.3 from 5 metres to 5.5 metres, when above a floor level of 283 metres reduced level (RL), in response to The Anzac Trust²⁶¹. This sub-rule applies only to 361 Beacon Point Road, Wanaka and the submitter seeks that the rule align with a decision of the Environment Court (decision RMA 1090/00 and which has resulted in the same requirement being imposed as a Consent Notice on the property's title). We agree with Ms Leith that the rule should be so modified. We consider the wording of Rule 11.5.1.1 can be improved under Clause 16(2) but otherwise find that no further analysis is required.

600. In terms of the remainder of the height rule, we find that it is the most appropriate for the zone and its policy framework seeking for a low density residential character. In reaching this

²⁶¹ Submission 142

view we agree with Ms Leith’s analysis that the New Zealand Fire Service²⁶² submission seeking a height exemption for fire station drying towers should be rejected. Such towers could have unacceptable adverse amenity value effects and should be determined through a site-specific resource consent process. Our recommended text is included below.

11.5.1	<p>Building Height</p> <p>11.5.1.1 Except where limited by Rules 11.5.1.2 or 11.5.1.3, a maximum height limit of 8 metres.</p> <p>11.5.1.2 A maximum height of 7 metres:</p> <p>11.5.1.2.1 on sites located between Beacon Point Road and the margins of Lake Wanaka; and</p> <p>11.5.1.2.2 on sites located between Studholme Road and Meadowstone Drive.</p> <p>11.5.1.3 A maximum height of 5.5 metres above a floor level of 283 masl on the site(s) located at the northern end of Beacon Point Road (as identified on the District Plan maps).</p>	<p>NC</p> <p>NC</p> <p>NC</p>
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29.4. Rule 11.5.3

601. In terms of setbacks from internal boundaries, Ms Leith recommended changing this rule to differentiate between the sub zone areas A and B she recommended (that we have discussed previously). On the basis that we ‘reversed’ Ms Leith’s preferred approach²⁶³, this rule requires revision and we have recommended this. We have also recommended simplifying the matters of discretion under Clause 16(2) so as to use consistent phrases and ensure efficient Plan administration. We also find scope for our changes from the submission of N Blennerhassett²⁶⁴ who sought a 4m setback requirement on 2,000m² sites (which we agree with). Our recommended text is included below.

11.5.2	<p>Setback from Internal Boundaries</p> <p>11.5.3.1 Large Lot Residential Area A: the minimum setback of any building from internal boundaries shall be 4 metres</p> <p>11.5.3.2 Large Lot Residential Area B: the minimum setback of any building from internal boundaries shall be 6 metres.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. The effect on openness and spaciousness</p> <p>b. Effects on privacy, views and outlook from neighbouring properties</p> <p>c. Visual dominance of buildings</p> <p>d. Landscaping</p>
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29.5. Rule 11.5.6

602. In terms of the continuous building length rule, Ms Leith recommended a number of revisions on the basis of a submission from N Blennerhassett²⁶⁵ seeking the rule to be more restrictive. Ms Leith agreed with the submission in part inasmuch as she recommended changes to the

²⁶² Submission 348

²⁶³ Ms Leith favoured a standard minimum lot size of 4,000m² with exceptions down to 2,000m²; we favour a standard of 2,000m² with exceptions up to 4,000m²

²⁶⁴ Submission 335

²⁶⁵ Submission 335

matters of discretion so as to make them more consistent with other matters of discretion within the zone and also the other residential zones.

603. We find that the rule is generally sound and we disagree with N Blennerhasset²⁶⁶ that the rule should be more restrictive as there is no justification to reduce the notified building length allowance, given the site sizes provided for within the zone and the likely separation between viewers and buildings that will result. We also note that in the zone, larger, usually single-storey houses, are commonplace. On that basis, the rule threshold as notified will allow the more efficient use of land that will enable greater house design choice to developers, while appropriately maintaining amenity values for neighbours and the public. We do, however, recommend that the rule be revised so as to be clearer, including simplifying the matters of discretion. We find that our recommendations are possible under Clause 16(2). Our recommended text is included below.

11.5.6	<p>Building Length The length of any facade above the ground floor level shall not exceed 20m:</p>	<p>RD Discretion shall be restricted to: a. External appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties</p>
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29.6. Rule 11.5.9

604. This rule related to density. Ms Leith recommended through this rule to introduce the key control to differentiate the Area A and B sub-zones. She also recommended changing the non-compliance status from Discretionary to Non-Complying.

605. As has been previously discussed in respect of the zone policies, we agree with the sub-zone approach and have detailed our findings in that regard. In terms of the rule, we have recommended retaining the notified Discretionary activity status for non-compliance as it has not been demonstrated that a Non-Complying status is required. We have otherwise recommended changes to implement the Area A / 2,000m² and Area B / 4,000m² requirements we have settled on. We record our agreement with submitter Aurum Survey Consultants Ltd²⁶⁷ that the rule should not directly reference Studholme Road and Meadowstone Drive in the context of where a 2,000m² minimum is appropriate; our recommendations render that restriction redundant. Our recommended text is included below.

11.5.9	<p>Residential Density 11.5.9.1 Large Lot Residential Area A: a maximum of one residential unit per 2000m² net site area. 11.5.9.2 Large Lot Residential Area B: a maximum of one residential unit per 4000m² net site area.</p>	D
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²⁶⁶ Ibid

²⁶⁷ Submission 166

606. We also recommend, as a consequential amendment, that recommended Rule 27.6.1 set the minimum lot areas for subdivision in this zone as 2,000m² for Area A and 4,000m² for Area B.

29.7. Rule 11.5.10

607. This rule related to restrictions on building materials and colours. Ms Leith recommended retaining the rule as notified but changing the matters of discretion on the basis that they have been poorly worded, resembling assessment matters.

608. On the basis of the zone framework we have determined is most appropriate, this rule can only be justified within the more sensitive Area B (4,000m² minimum area) sub-zone and we have recommended this as a consequential change arising from our wider recommendations. We have also further revised the matters of discretion under Clause 16(2) to make them simpler and more consistent with like restrictions we have determined for other rules including in the other residential chapters. Our recommended text is included below.

11.5.10	<p>Building Materials and Colours For sites within Large Lot Residential Area B:</p> <ul style="list-style-type: none"> a. All exterior surfaces shall be coloured in the range of black, browns, greens or greys; b. Pre-painted steel, and all roofs shall have a reflectance value not greater than 20%; c. Surface finishes shall have a reflectance value of not greater than 30%. 	<p>RD Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Landscape and visual effects, including the extent to which the physical scale of the building(s) make a proposed building's materials and colours more or less visually prominent.
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29.8. Rule 11.5.12

609. This rule related to buildings within a Building Restriction Area. In the Reply version, Ms Leith recommended relocating notified Rule 11.4.11 to Rule 11.5. We have discussed this previously in terms of Chapters 7, 8, 9 and 10 and reiterate our agreement with this relocation. Our recommended text is included below.

11.5.12	<p>Building Restriction Area No building shall be located within a building restriction area as identified on the District Plan Maps.</p>	NC
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29.9. Overall Analysis

610. In respect of the above analysis, we find that the simplification and revision of rules set out and also in **Appendix 5** are appropriate as Clause 16(2) clarifications, or otherwise as responses to matters raised within submissions to the PDP.

611. We also find that they reflect the most appropriate means of implementing the objectives and policies we have identified earlier including by way of making the plan more readily administrable. We also find that by simplifying the rules we have made the plan both more effective and efficient (such as by way of the introduction of sub-zone Areas A and B).

PART H: RULES 7.6, 8.6, 9.6, 10.6 and 11.6 – NON NOTIFICATION OF APPLICATIONS

30. RULE 7.6

612. As notified, this rule would have precluded from public notification or limited notification any controlled activity or, somewhat ambiguously titled, restricted discretionary activities for “residential development”.
613. We have understood from notified Rule 7.6.2.1 that any restricted discretionary consent matter under rules 7.4 or 7.5 triggered by a residential development would be non-notified.
614. Key submitters were New Zealand Transport Agency²⁶⁸ and Arcadian Triangle Ltd²⁶⁹. Arcadian Triangle submitted that there was no definition of the term “residential development”, and to that end Ms Leith recommended tying the rule to notified activity Rule 7.4.10 (which provided for more than one residential unit per site). NZTA was interested in ensuring that any development requiring vehicle access from a state highway was required to be served notice on NZTA as an affected party.
615. We find that as notified “residential development” was an administratively unhelpful term and it should be replaced. We accept Ms Leith’s recommendation. Turning to the submission from NZTA, we agree that for the purposes of any reasonable notification decision it is likely that NZTA would be considered an adversely affected party if a development of multiple units sought to gain a new or materially different use of an existing vehicle crossing to a state highway given the potential safety and road management effects that could arise. On this basis, there is a sound rationale for a rule that requires this step rather than incurring the time and cost of notification decisions that will result in limited notification anyways.
616. On that basis, we partially accept the recommendation of Ms Leith (subject to our own Clause 16(2) clarification of the proposed wording). We consider the appropriate rule is to identify that where the proposal involves access from a state highway, the Council will need to apply the provisions of sections 95A to 95E of the Act inclusive. To specify NZTA as an affected party would be to hinder the Council’s discretion under those sections of the Act. We have applied this approach to Chapters 8 and 9 also.
617. Our recommended text is included below.
- 7.6.1 The following Restricted Discretionary activities shall not require the written approval of affected persons and shall not be notified or limited-notified:
- 7.6.1.1 Residential units pursuant to Rule 7.4.7, except where vehicle crossing or right of way access on or off a State Highway is sought.

31. RULE 8.6

618. As notified Rule 8.6 has 2 sub-rules: 1 for controlled activities and 1 for specified restricted discretionary activities. In her Section 42A Report Ms Leith recommended deleting the

²⁶⁸ Submission 719

²⁶⁹ Submission 836

controlled activity rule on the basis of a submission by P Swale²⁷⁰ and her own judgement that with no controlled activities left in the zone due to the Council's withdrawal of Visitor Accommodation provisions there was no justification for the rule. We agree, and note that insofar as it relates to the other residential chapters, we have also relied on P Swale's submission as a more general point that we agree with.

619. Ms Leith also recommended changing the restricted discretionary rule on the basis of a number of submissions. First, she recommended removing the notified reference to the Homestar rating tool (as previously discussed, we agree that this has no place in the District Plan). The submitters who sought this removal (or opposed the Homestar tool being included within the Plan more generally) included C Douglas²⁷¹, Universal Developments Ltd²⁷², P Thoreau²⁷³, P Winstone²⁷⁴, Wakatipu Gardens and Reserves Incorporated²⁷⁵, P & J Sanford²⁷⁶, and M Lynch²⁷⁷. Having determined that Rule 8.6.2.1 should be deleted, it follows that Rule 8.6.2.2 also needs to be deleted as it is inherently linked and subordinate to Rule 8.6.1.1.
620. Ms Leith finally sought addition of a new non notification provision being for residential units that can comply with rule 8.4.11 and all of the standards in Rule 8.5. This clause arose as a result of submissions from Otago Foundation Trust Board²⁷⁸ (supported by further submissions from Hansen Family Partnership²⁷⁹), C Douglas²⁸⁰, Universal Developments Ltd²⁸¹, P Thoreau²⁸², and P Winstone²⁸³. We find that this new rule is appropriate and we support it. Compliance with the activity standards will very likely mean that any environmental effects will be manageable without the need for further public commentary. This will in turn make the enablement of medium density housing more efficient through reduced risk, uncertainty and consent processing time / cost.
621. Overall, our recommended provisions are set out below and in Appendix 2. We find that they will be the most appropriate means of implementing the settled objectives and policies.

8.6.1 The following Restricted Discretionary activities shall not require the written approval of affected persons and shall not be notified or limited-notified except where vehicle crossing or right of way access on or off a State Highway is sought:

8.6.1.1 Residential units which comply with Rule 8.4.10 and all of the standards in Rule 8.5.

32. **RULE 9.6**

622. The notified plan identified this rule as 9.7, although this was a simple numbering error and the Council recommended it be changed to 9.6. We agree with this.

²⁷⁰ Submission 792
²⁷¹ Submission 199
²⁷² Submission 177
²⁷³ Submission 362
²⁷⁴ Submission 264
²⁷⁵ Submission 506
²⁷⁶ Submission 676
²⁷⁷ Submission 503
²⁷⁸ Submission 408
²⁷⁹ Further submission 1270
²⁸⁰ Submission 199
²⁸¹ Submission 177
²⁸² Submission 362
²⁸³ Submission 264

623. The notified rule provides three categories: 1 for controlled activities, 1 for restricted discretionary activities (no notification or limited notification), and 1 for restricted discretionary activities (no notification but potential limited notification). Ms Banks recommended retaining but revising all of these.
624. In terms of Rule 9.6.1, Ms Banks sought to include reference to NZTA where access to a State Highway was proposed as an exclusion to the blanket non notification rule. This was in response to NZTA's request²⁸⁴ for that outcome.
625. We find that, like the other residential zones, this rule should be removed from the Plan on the basis that there are no controlled activities within the zone that would ever trigger the rule²⁸⁵. We find retention as proposed by Ms Banks to be ineffective and inefficient.
626. In terms of Rule 9.6.2, Ms Banks recommended including the same exclusion from non-notification in favour of NZTA that she recommended for Rule 9.6.1. She also recommended changing the wording of the rule as a consequential amendment to a change in wording of "residential unit" across the residential zones proposed by the Council.
627. As we noted in relation to Rule 7.6 above, we find that NZTA would be inherently affected by new connections to its state highway network and would, in any event under its own legislation, need to provide approval to any new connections or material changes to existing connections to a state highway. However, this rule needs to be framed so as to not hinder the Council's future exercise of its discretion.
628. We also find that Rule 9.6.2.1 requires clarification that residential developments of 4 or more units (as per Rule 9.4) will only be subjected to non-notification where compliance has been achieved with all of the relevant standards in Rule 9.5. Otherwise, unlimited height control contraventions would be non-notified. We find that this is a plain and unintended error in plan drafting and can be corrected as a Clause 16(2) correction (i.e. the rule was only intended to relate to section 9.4 of the Plan, not 9.5 as well). In reaching this position we also refer to the approach taken in Chapter 8 by Ms Leith in a like circumstance (Rule 8.6.1), and we reiterate that we see consistency between the residential chapters in like circumstances to be an important outcome.
629. In terms of rule 9.6.3, Ms Banks recommended a number of changes in response to submissions from Fred van Brandenburg²⁸⁶ and Aurum Survey Consultants Ltd²⁸⁷. The effect of the changes was to remove 'restricted discretionary' from the rule (so that in theory it could apply to any activity type specified in the sub-rules), and provide for boundary setbacks up to 0.6m to also be non-notified (but potentially limited notified).
630. We find that these changes are appropriate subject to text revisions to make them clearer. We also find that contraventions of the recession plane should also be subject to the rule on the basis that the effects of recession plane contraventions raise the same potential environmental effects as building height. We consider this is an acceptable Clause 16(2) amendment to clarify that the Plan seeks to manage like effects (especially on affected parties) on a like basis.

²⁸⁴ Submission 719

²⁸⁵ Due to the Council's withdrawal of Visitor Accommodation provisions on 25 November 2015.

²⁸⁶ Submission 520

²⁸⁷ Submission 166

631. Our recommended provisions are set out below and in Appendix 3. We find that they are the most appropriate to implement the settled objectives and policies.

~~[9.7.1]~~

- 9.6.1 The following Restricted Discretionary activities shall not require the written approval of affected persons and shall not be notified or limited-notified except where vehicle crossing or right of way access on or off a State Highway is sought:
- 9.6.1.1 Residential development involving the development of 4 or more residential units where the standards in Rule 9.5 are complied with.
- 9.6.2 The following Restricted Discretionary activities will not be publicly notified but notice will be served on those persons considered to be adversely affected if those persons have not given their written approval:
- 9.6.2.1 Restricted Discretionary building height and recession plane contraventions.
- 9.6.2.2 Boundary setback contraventions of up to 0.6m into the required setback depth of the yard (for an unlimited length of the boundary).

33. **RULE 10.6**

632. The notified PDP provided for non-notification of controlled activities. However within the notified Chapter 10 the only controlled activities were visitor accommodation under activity rules 10.4.8 and 10.4.20. Visitor Accommodation provisions were withdrawn by the Council on 25 November 2015 meaning that there were no controlled activities within the zone to which rule 10.6 would apply.

633. In the Council's reply Ms Law confirmed a recommendation that the rule be deleted.

634. We find that the rule has no place in the scheme of a Plan that has no controlled activities and for this reason we consider it would be confusing and unjustifiable to retain the notified rule. We agree that it should be deleted and that this can be undertaken as a Clause 16(2) correction.

34. **RULE 11.6**

635. The notified PDP provided for non-notification of controlled activities. However within the notified Chapter 11 the only controlled activities were visitor accommodation under activity rule 11.4.6. Visitor Accommodation provisions were withdrawn by the Council on 25 November 2015 meaning that there were no controlled activities within the zone to which Rule 11.6 would apply.

636. In the Council's reply Ms Leith confirmed a recommendation that the rule be deleted.

637. We find that the rule has no place in the scheme of a Plan that has no controlled activities and for this reason we consider it would be confusing and unjustifiable to retain the notified rule. We agree that it should be deleted and that this can be undertaken as a Clause 16(2) correction.

PART I: DEFINITIONS – RECOMMENDATIONS TO STREAM 10 PANEL

35. Preliminary

638. Several submissions on definitions relevant to the subject matter of this Hearing Stream were heard consistent with our directions in the Second Procedural Minute. Having heard those submissions and further submissions we make recommendations on them to the Stream 10 Panel to enable that Panel to consider any conflicting evidence or recommendations.
639. We make it clear that where we make recommendations below (with a single exception), those recommendations are to the Stream 10 Hearing Panel, not the Council. The exception is the recommendation made in relation to notes in certain rules defining how flat and sloping sites are determined discussed below in Section 37.1.
640. Submissions were received in respect of the following definitions:
- a. Activities Sensitive to Aircraft Noise;
 - b. Building;
 - c. Character of Arrowtown;
 - d. Community Activity;
 - e. Community Facility;
 - f. Day Care Facility;
 - g. Dwelling;
 - h. Educational Activity;
 - i. Educational Facility;
 - j. Emergency Service Facilities;
 - k. Floor Area Ratio;
 - l. Ground level;
 - m. Minor Alterations and Additions to a Building;
 - n. Residential Activity;
 - o. Residential Flat;
 - p. Residential Unit.

36. Submissions Concerning Notified Definitions

36.1. Activities Sensitive to Aircraft Noise

641. Submissions on this definition sought:
- Include outdoor spaces associated with residential, visitor accommodation, community and day care facilities²⁸⁸;
 - Include educational classrooms, educational buildings and educational playgrounds²⁸⁹;
 - Delete “community activity” with respect to the submitter’s site²⁹⁰.
642. Ms Leith considered to include outdoor spaces within the definition could potentially render all the land in the LDRZ incapable of development as outdoor spaces could not be insulated in the same way indoor spaces can²⁹¹. She considered the definition of ‘community activity’

²⁸⁸ Submission 243

²⁸⁹ Submission 271

²⁹⁰ Submission 408, supported by FS1270, FS1097, opposed by FS1167, FS1340, FS1077

²⁹¹ A Leith, Chapter 7 Section 42A Report, pages 60-61

covered the use of land for education purposes, and thus the relief sought by Submission 271 was already provided for²⁹².

643. None of the submitters provided any evidence on this definition. Based on the evidence we received, being that of Ms Leith, we recommend these three submissions be deleted.

644. As a consequential amendment, Ms Leith recommended that this definition also apply to road noise sensitive activities²⁹³. We recommend that amendment be made for the reasons provided by Ms Leith.

36.2. Building

645. Submission 170 sought that the final bullet point in the notified definition of Building be deleted.

646. Ms Leith explained to us the reasons she considered that provision to be an important part of the definition²⁹⁴. The submitter did not appear or provide any additional evidence.

647. We agree with Ms Leith's reasoning and recommend this submission be rejected.

36.3. Character of Arrows town

648. Submission 752 sought that a definition of the 'Character of Arrows town' be included. Mr Farrier did not attend the hearing or provide any evidence beyond his original submission.

649. Ms Law considered that the Arrows town Design Guidelines 2016 provided a comprehensive statement regarding the character of Arrows town and that a definition was unnecessary²⁹⁵.

650. We agree with Ms Law for the reasons she provided and recommend this submission be rejected.

36.4. Community Activity and Community Facility

651. These two definitions need to be considered together. The Ministry of Education sought the deletion of 'community facility' and the retention of 'community activity' with that definition including the term 'education activities'²⁹⁶. Southern District Health Board supported the definition of 'community activity' and sought the deletion of 'community facility'²⁹⁷. New Zealand Fire Service supported the definition of 'community activity'²⁹⁸.

652. Ms Leith concurred with the submitters that the definition of 'community facility' was unnecessary in the context of the residential chapters, but considered the definition should remain in the PDP in case 'community facility sub-zones' were to be included in the Plan.

653. Our view is that if a term is not defining something in the PDP it need not be included in the definitions. It is always open to the Council to include a new defined term by way of variation or plan change at the time a provision requiring that defined term is included in the Plan²⁹⁹.

²⁹² Ibid, page 61

²⁹³ Ibid

²⁹⁴ Ibid, pages 59-60

²⁹⁵ R Law, Chapter 10 Section 42A Report, page 13

²⁹⁶ Submission 524, supported by FS1061, opposed by FS1117

²⁹⁷ Submission 678

²⁹⁸ Submission 438

²⁹⁹ A Leith, Chapter 7 Section 42A Report, paragraph 11.16

We agree with those submitters seeking the deletion of the definition of “community facility” and recommend it be deleted.

654. Ms Leith, having recommended that a new definition of ‘education activity’ be included (see below), further recommended that the definition of ‘community activity’ be amended to include that term³⁰⁰. In her Reply Statement, Ms Leith also recommended the inclusion of ‘day care facilities’ in this definition as that term was excluded from the definition of education activity³⁰¹.

655. Her recommended wording was³⁰²:

Community Activity	Means the use of land and buildings for the primary purpose of health, welfare, care, safety, education, culture and/or spiritual well being. Excludes recreational activities. A community activity includes schools day care facilities, education activities, hospitals, doctors surgeries and other health professionals, churches, halls, libraries, community centres, police stations, fire stations, courthouses, probation and detention centres, government and local government offices.
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656. For the reasons Ms Leith provided, we recommend the definition of ‘community activity’ be amended as recommended by Ms Leith in her Reply Statement.

36.5. Day Care Facility, Education Activity and Education Facility

657. The Ministry of Education sought:

- a. Deletion of the term ‘education facility’;
- b. Inclusion of a definition of ‘education activity’; and
- c. the definition of ‘day care facility’ be amended to specifically exclude early childhood education facilities³⁰³.

658. The Ministry’s proposed definition of ‘education facility’ was:

Education Activity	Means the use of land and buildings for the primary purpose of regular instruction or training including early childhood education, primary, intermediate and secondary schools, tertiary education and including ancillary administrative, cultural, recreational, health, social and medical services (including dental clinics and sick bays) and commercial facilities.
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659. Ms Leith considered this to be a more encompassing definition than that provided for ‘education facility’, and one that provided for more certainty. She recommended that the definition of ‘education activity’ replace the definition of ‘education facility’ in Chapter 2³⁰⁴.

660. Ms Leith did not consider there was any need to amend the definition of ‘day care facility’³⁰⁵. In her Reply Statement, Ms Leith recommended an amendment to the definition of ‘community activity’ to ensure day care facilities providing for the aged were not excluded from that definition, but she did not reconsider the definition of ‘day care facility’³⁰⁶.

³⁰⁰ A Leith, Chapter 7 Section 42A Report, Appendix 1

³⁰¹ A Leith, Reply Statement, paragraph 22.2

³⁰² Ibid, Appendix 1

³⁰³ Submission 524, opposed by FS1117

³⁰⁴ A Leith, Chapter 7 Section 42A Report, paragraph 11.23

³⁰⁵ Ibid, paragraph 11.24

³⁰⁶ A Leith, Reply Statement, paragraph 22.2

661. We received no evidence from the Ministry and no representative attended the hearing.
662. We agree with Ms Leith's recommendation in respect of 'education activity' and 'education facility' for the reasons she gave, and recommend the new definition of 'education activity' be inserted in the terms set out above, and that the definition of 'education facility' be deleted.
663. We cannot understand the point of the Ministry's submission on the definition of 'day care centre'. The submission states as the reason for the submission that the definition did not include 'Early Childhood Education', but the relief sought seems to attempt to reinforce that absence. We recommend this submission be rejected as it accepting it would be of no apparent benefit to the PDP.

36.6. Dwelling

664. One submission³⁰⁷ sought the deletion of this term as it was more appropriate to use the term 'residential unit', which was the term used in the ODP.
665. Ms Leith agreed as she considered that use of the terms 'residential activity', 'residential unit' and 'residential flat' were adequate to describe and regulate the provision of residential accommodation³⁰⁸. We agree and recommend the definition be deleted.

36.7. Emergency Service Facilities

666. The New Zealand Fire Service sought the inclusion of a definition of 'emergency service facilities' as follows: '*means the facilities of authorities that are responsible for the safety and welfare of people and property in the community, and includes fire stations, ambulance stations, police stations and emergency coordination facilities*'³⁰⁹.
667. Ms Leith did not consider this definition was necessary as the activities encompassed were provided for in the definition of 'community activity'³¹⁰. Ms McLeod, the planning witness for the Fire Service, considered the definition was not essential. She did note, however, that the proposed RPS included a definition of 'emergency services', and considered there could be sufficient benefits in terms of consistency, clarity and ease of use of the PDP, to justify the inclusion of a similar definition in the PDP.

668. On the basis that both experts agreed that the definition sought by the submitter was unnecessary, we recommend this submission be rejected. In terms of the proposed RPS definition, we consider that if ensuring the PDP gives effect to the proposed RPS when it is beyond challenge, the Council can initiate a variation to include such a definition.

36.8. Floor Area Ratio

669. One submission sought the deletion of this definition³¹¹.
670. Ms Banks undertook an extensive analysis of the effect on building form using the proposed floor area ratio rule (notified Rule 9.5.5) in the PDP³¹². She concluded that the potential outcomes were not as satisfactory as those resulting from the use of alternate rules. She

³⁰⁷ Submission 836

³⁰⁸ A Leith, Chapter 7 Section 42A Report, page 64

³⁰⁹ Submission 438

³¹⁰ A Leith, Chapter 7 Section 42A Report, paragraph 11.25

³¹¹ Submission 208

³¹² K Banks, Chapter 9 Section 42A Report, pages 19-23

recommended that rule be deleted from Chapter 9. Her consequential amendment was the deletion of the definition of ‘floor area ratio’.

671. We have agreed with Ms Banks’ recommendation to delete notified Rule 9.5.5. This definition is therefore redundant and can be deleted.

36.9. Ground Level

672. The one submission on this definition referred to us sought that this definition be retained³¹³. We recommend that submission be accepted.

36.10. Minor Alterations and Additions to a Building

673. Arcadian Triangle Ltd³¹⁴ sought that this definition be reconsidered. The submission questioned some of the precise language used in respect of exterior decks, and the imprecision of language.

674. Ms Law agreed with the submitter and recommended the definition read:

Minor Alterations and Additions to a Building	<p>Means any of the following:</p> <ul style="list-style-type: none"> • Constructing an uncovered deck of natural or dark stained timber. The deck must comply with the applicable rules and standards for activities. • Changing or putting in <u>Replacing</u> windows or doors in an existing building that have the same profile, trims and external reveal depth as the existing. • Changing existing materials or cladding with other materials or cladding of the same texture, profile, materials and colour.
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675. We agree with Ms Law and recommend this definition be amended as set out above.

36.11. Residential Activity, Residential Flat and Residential Unit

676. Submissions on these definitions sought:

- Retain the definitions of ‘residential activity’ and ‘residential unit’ as notified³¹⁵;
- Rewrite all definitions to clarify whether they refer to the use or the building³¹⁶;
- Delete ‘including a dwelling’ from the definition of ‘residential unit’³¹⁷;
- Amend the definition of ‘residential flat’ to clarify that the activity is limited to one per unit or site³¹⁸;
- Amend the definition of ‘residential flat’ by:
 - Replace 70m2 with 35% GFA;
 - Delete reference to leasing;
 - Delete notes or make clear not part of definition³¹⁹.

677. At the hearing the Chair transferred consideration of the definition of ‘residential flat’ to the Stream 10 Panel. We therefore do not discuss submissions on that definition any further.

³¹³ Submission 68
³¹⁴ Submission 836
³¹⁵ Submission 433, opposed by FS1117, FS1097
³¹⁶ Submission 243, opposed by FS1224
³¹⁷ Submission 836
³¹⁸ Submission 433, opposed by FS1117, FS1097
³¹⁹ Submission 836

678. Ms Leith considered that the definitions of ‘residential activity’ and ‘residential unit’ were clear. Ms Byrch did not appear in support of her submission.
679. We agree with Ms Leith. Subject to the deletion of the term ‘includes a dwelling’ from the definition of ‘residential unit’, which is a consequential amendment resulting from the deletion of the definition of ‘dwelling’, we recommend these two definitions be adopted as notified.

37. Proposed New Definitions

37.1. Flat and Sloping Sites

680. As notified, Rules 7.5.1, 7.5.2, 9.5.1, 9.5.2, 9.5.4 and 9.5.5 each contained a note stating: *Ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation. Sloping sites are where the ground slope is greater than 6 degrees (i.e. greater than 1 in 9.5). Flat sites are where the ground slope is equal to or less than 6 degrees (i.e. equal to or less than 1 in 9.5).*

681. Submission 166 sought that this note/definition be removed from Rule 9.5.4. In her Section 42A Report, Ms Banks concluded that the most appropriate response to this submission was to insert definitions of ‘flat site’ and ‘sloping site’ in Chapter 2 and delete the notes from each of the relevant rules³²⁰. The definitions she recommended were:

Flat site	A flat site is where the ground slope is equal to or less than 6 degrees (i.e. equal to or less than 1 in 9.5). Ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation.
Sloping site	A sloping site is where the ground slope is greater than 6 degrees (i.e. greater than 1 in 9.5). Ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation.

682. As can be seen, these were derived directly from the terms used in the notified PDP.
683. At the hearing NZIA³²¹ highlighted an error in the proposed definitions (and also in the notes) in that the relevant rules would be applied on every elevation, with the potential for different elevations of the same building being classified both flat and sloping. Ms Banks explained that the intention of the definitions was to distinguish on a site by site basis whether they were flat or sloping³²². Ms Banks’ solution was to amend the definitions such that, if any elevation had a ground slope of greater than 6 degrees, the site would be classified as sloping. A flat site needed to have all elevations with a slope equal to or less than 6 degrees.
684. We consider the changes proposed by Ms Banks are changes which properly fall within the purview of Clause 16(2). The subtle change proposed in Ms Banks’ Reply Statement to avoid the multiple outcome possibility falls, in our view, into the category of error correction. It will not make a substantive difference to the application of rules where distinguishing between flat and sloping sites is required.
685. We consider that moving the definitions from the explanatory notes in the six rules listed above into Chapter 2 as definitions is of no substantive effect, but is more efficient and

³²⁰ K Banks, Chapter 9 Section 42A Report, page 46

³²¹ Submission 238

³²² K Banks, Reply Statement, paragraph 8.2

removes the need for duplicating the provision in every instance that it is relevant. Consequently, we recommend to the Stream 10 Panel that the following two additional definitions be included in Chapter 2:

<u>Flat site</u>	A flat site is where the ground slope is equal to or less than 6 degrees (i.e. equal to or less than 1 in 9.5). Ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation. Where all elevations indicate a ground slope equal to or less than 6 degrees (i.e. equal to or less than 1 in 9.5), rules applicable to flat sites will apply.
Sloping site	A sloping site is where the ground slope is greater than 6 degrees (i.e. greater than 1 in 9.5). Ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation. Where any elevation indicates a ground slope of greater than 6 degrees (i.e. greater than 1 in 9.5), rules applicable to sloping sites will apply.

686. Finally, we recommend to the Council that notes in recommended Rules 7.5.1, 7.5.2, 9.5.1, 9.5.2 and 9.5.4 be deleted (We are recommending Rule 9.5.5 be deleted in total) as a Clause 16(2) consequential change.

PART J: OVERALL RECOMMENDATIONS

38. SECTION 32AA ANALYSIS

687. We have considered the above objectives, policies, and rules individually and collectively in terms of s.32AA of the Act. Having undertaken an additional assessment, the key details of which have been interspersed into our discussion above, we are satisfied that the provisions we recommend for Chapters 7, 8, 8, 10 and 11 are the most appropriate. Key findings relevant to s.32AA are that:
- a. The objectives will implement Part 2 of the Act, and the policies and rules will implement the objectives.
 - b. The provisions will promote economic development and employment through a combination of commercial activity enabled within the zone, and the construction potential enabled by a higher density and further development on most sites (even if limited to an additional residential flat).
 - c. The provisions are more effective and efficient than the notified, s. 42A and Reply versions (as a whole) due to being simpler, clearer, more consistent and more concise.

39. CONSIDERATION OF PLAN VARIATIONS

688. On the basis of our evaluation and recommendations above, we consider a number of Plan Variations should be considered by the Council. They have been identified throughout our analysis and recommendations, however by way of overall summary they are:
- a. The limitations on home occupations (especially the limitation on internal floor area) should be reviewed in Chapters 7, 8 and 11. On the basis of the evidence we received, there has been no justification for these limitations either in terms of likely adverse environmental effects or in terms of conflict with the applicable policy frameworks.
 - b. The required building setback from water bodies should be reconsidered. Where a setback requirement is less than 20m, a land use consent for an activity could be granted in such a manner that a subsequent subdivision around that activity could not achieve the 20m esplanade reserve setback intended within the Act (as esplanade reserves can only be considered as part of a subdivision consent).
 - c. The glare rules trigger a non-complying activity consent that in our view should instead be a restricted discretionary activity on the basis that the likely environmental effects should be clearly predictable and be able to be expressed simply as matters of discretion.
 - d. We consider the waste and recycling storage requirements have been very poorly justified. In terms of Chapters 7, 10 and 11 the site sizes likely would clearly provide sufficient space for onsite storage and waste areas. In terms of Chapters 8 and 9 the higher densities provided for could result in a justification for waste collection areas and a justified restriction on the placement of these areas. However in any event, we consider a non-complying activity status for non-compliance to be overly onerous and unnecessary.
 - e. In terms of the bulk material storage rules in the zones, we are concerned by the applicable prohibited activity status. This may unintentionally make it impossible for any development to occur on the basis of building materials (such as bricks or roof tiles) being placed on the development site. It may be advisable to clarify that construction materials being used on the site are excluded from the ban on bulk material storage.

40. Detailed Recommendations

689. For the reasons we have set out above, we recommend to the Council that:
- a. Chapter 7, in the form set out in Appendix 1, be adopted;
 - b. Chapter 8, in the form set out in Appendix 2, be adopted;
 - c. Chapter 9, in the form set out in Appendix 3, be adopted;
 - d. Chapter 10, in the form set out in Appendix 4, be adopted;
 - e. Chapter 11, in the form set out in Appendix 5, be adopted; and
 - f. The relevant submissions and further submissions be accepted, accepted in part or rejected as set out in Appendix 6.
690. We recommend to the Stream 10 Hearing Panel that the definitions listed in Appendix 7 be included in Chapter 2 for the reasons set out in Part I above.
691. We further recommend that the Council consider initiating variations to deal with the matters set out in Section 39 above.

For the Hearing Panel



Denis Nugent, Chair
Date: 29 March 2018

Appendix 1: Chapter 7 – Lower Density Suburban Residential Zone, as Recommended

7 LOWER DENSITY SUBURBAN RESIDENTIAL

7.1

Zone Purpose

The Lower Density Suburban Residential Zone is the largest residential zone in the District. The District Plan includes such zoning that is within the urban growth boundaries, and includes land that has already been developed - as well as areas that will continue to be developed over time.

Fundamentally the zone provides for both traditional and modern suburban densities and housing forms. Houses will typically be one to two storeys in height, detached and set on sites between 450 and 1000 square metres in area. In addition, and to help meet the needs of the community, the zone also enables increased density by allowing sites down to 300 square metres in area and larger comprehensively designed developments. In addition, non-subdividable residential flats that can be occupied by an independent household are enabled. The overall range of net household densities (including residential flats) could be as high as 1 unit per 150 square metres or as low as 1 unit per 1,000 square metres (or even less). The zone will help to provide a more diverse and affordable housing stock within the District.

Community activities are anticipated in the zone provided adverse effects can be suitably addressed, as these activities are often best located within the residential communities they serve. Home occupations are also provided for.

Commercial activities are generally not anticipated other than those that are residential-compatible and small-scale, however may be accommodated where necessary to address a demonstrated local need provided residential amenity is not compromised.

7.2

Objectives and Policies

7.2.1 **Objective - Development within the zone provides for a mix of compatible suburban densities and a high amenity low density residential living environment for residents as well as users of public spaces within the zone.**

Policies	7.2.1.1	Ensure the zone and any development within it is located in areas that are well serviced by public infrastructure, and is designed in a manner consistent with the capacity of infrastructure networks.
	7.2.1.2	Encourage an intensity of development that maximises the efficient use of the land in a way that is compatible with the scale and character of existing suburban residential development, and maintains suburban residential amenity values including predominantly detached building forms, and predominantly one to two storey building heights.
	7.2.1.3	Ensure that the height, bulk and location of development maintains the suburban-intensity character of the zone, and maintains the amenity values enjoyed by users of neighbouring properties, in particular, privacy and access to sunlight.
	7.2.1.4	Require, as necessary, all new buildings, relocated buildings and additions and alterations to existing buildings that contain an Activity Sensitive to Road Noise located adjacent to a State Highway to be designed to maintain internal residential amenity values and, in particular provide protection to sleeping occupants from road noise.

7.2.2 Objective - Development is limited within the Queenstown Airport Air Noise Boundary and Outer Control Boundary in recognition of the severe amenity (noise) constraints now and also likely in the foreseeable future as a result of its increasing intensity of operation and use.

- Policies
- 7.2.2.1** Discourage the creation of any new sites or infill development for Activities Sensitive to Aircraft Noise within the Air Noise Boundary and between the Air Noise Boundary and the Outer Control Boundary on land around Queenstown Airport.
 - 7.2.2.2** Require, as necessary, mechanical ventilation of any Critical Listening Environment within new buildings, relocated buildings, and any alterations and additions to existing buildings that contain an Activity Sensitive to Aircraft Noise within the Queenstown Airport Outer Control Boundary.
 - 7.2.2.3** Require, as necessary, sound insulation and mechanical ventilation of any Critical Listening Environment within new buildings, relocated buildings, and any alterations and additions to existing buildings that contain an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise Boundary.

7.2.3 Objective - Encourage higher density development where it responds sensitively to the context and character of the locality and is designed to maintain local amenity values.

- Policies
- 7.2.3.1** Encourage densities higher than 1:450 square metres per residential unit where this is designed to fit well with the immediate context, with particular significance attached to the way the development:
 - a. manages dominance effects on neighbours through measures such as deeper setbacks, sensitive building orientation and design, use of building articulation and landscaping;
 - b. achieves a reasonable level of privacy between neighbours through measures such as deeper boundary setbacks, offsetting habitable room windows that face each other, or the use of screening devices or landscaping;
 - c. provides activation of streets through the placement of doors, windows and openings that face the street.
 - 7.2.3.2** Limit building height on sites smaller than 900 square metres that are proposed to be developed for two or more principal units (i.e. excluding residential flats) so as to mitigate a reduction in spaciousness around and between buildings that otherwise forms part of suburban residential amenity values.
 - 7.2.3.3** Encourage landscaped areas to be well-designed and integrated into the development layout and design, providing high amenity spaces for recreation and enjoyment, having particular regard to the visual amenity of streets and street frontages.

7.2.4 **Objective - Residential development in Arrowtown compatible with the town's existing character.**

- Policies
- 7.2.4.1** Ensure development, including infill housing, community activities and commercial development is of a form that is compatible with the existing character of Arrowtown, guided by the Arrowtown Design Guidelines 2016, with particular regard given to:
- building design and form;
 - scale, layout and relationship of buildings to the street frontage(s);
 - materials and landscape response(s).
- 7.2.4.2** Avoid flat roofed dwellings in Arrowtown.
-

7.2.5 **Objective - Community activities serving the needs of people within the zone locate within the zone on sites where adverse effects are compatible with residential amenity values.**

- Policies
- 7.2.5.1** Enable the establishment of community activities where adverse effects on residential amenity values including noise, traffic, lighting, glare and visual impact can be avoided or mitigated.
- 7.2.5.2** Ensure any community activities occur in areas which are capable of accommodating traffic, parking and servicing to a level which maintains residential amenity values.
- 7.2.5.3** Ensure any community activities are of a design, scale and appearance compatible with a residential context.
-

7.2.6 **Objective - Development efficiently utilises existing infrastructure and minimises impacts on infrastructure networks.**

- Policies
- 7.2.6.1** Ensure access and vehicle parking is located and designed to optimise safety and efficiency of the road network and minimises impacts on on-street vehicle parking.
- 7.2.6.2** Ensure development is designed consistent with the capacity of existing infrastructure networks and, where practicable, incorporates low impact approaches to stormwater management and efficient use of potable water.
- 7.2.6.3** Integrate development with all transport networks and in particular, and where practicable, improve connections to public transport services and active transport networks (tracks, trails, walkways and cycleways).

7.2.7 **Objective - Commercial development in the zone is small scale and generates minimal amenity value impacts.**

- Policies
- 7.2.7.1** Provide commercial activities, including home occupation activities, that directly serve the day-to-day needs of local residents, or enhance social connection and vibrancy of the residential environment, provided these do not undermine residential amenity values or the viability of any nearby centre.
 - 7.2.7.2** Ensure that any commercial development is of low scale and intensity, and does not undermine the local transport network or availability of on-street vehicle parking for non-commercial use.
 - 7.2.7.3** Ensure that the noise effects from commercial activities are compatible with the surrounding environment and residential amenity values.
 - 7.2.7.4** Ensure that commercial development is of a design, scale and appearance that is compatible with its surrounding residential context.

7.3 Other Provisions and Rules

7.3.1 District Wide

Attention is drawn to the following District Wide chapters.

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

7.3.2 Interpreting and Applying the Rules

- 7.3.2.1** A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules, otherwise a resource consent will be required.
- 7.3.2.2** Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the Non-Compliance Status column shall apply.
- 7.3.2.3** Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.
- 7.3.2.4** Proposals for development resulting in more than one (1) residential unit per site shall demonstrate that each residential unit is fully contained within the identified net area for each unit.
- 7.3.2.5** Each residential unit may include a single residential flat and any other accessory buildings.
- 7.3.2.6** The following abbreviations are used within this Chapter.

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

7.4

Rules - Activities

	Activities located in the Lower Density Suburban Residential Zone	Activity Status
7.4.1	Home occupations	P
7.4.2	Informal airports for emergency landings, rescues and fire fighting	P
7.4.3	Residential units, where the density of development does not exceed one residential unit per 450m² net area	P
7.4.4		
7.4.5		

	Activities located in the Lower Density Suburban Residential Zone	Activity Status
7.4.6	<p>Commercial activities – 100m² or less gross floor area</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. benefits of the commercial activity in servicing the day-to-day needs of local residents; b. hours of operation; c. parking, traffic and access; d. noise; e. design, scale and appearance; f. in Arrowtown, consistency with Arrowtown’s character, as described within the Arrowtown Design Guidelines 2016; and g. where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ul style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated. 	RD
7.4.7	<p>Residential Units, where the density of development exceeds one residential unit per 450m² net area but does not exceed one residential unit per 300m² net area, excluding sites located within the Air Noise Boundary or located between the Air Noise Boundary and Outer Control Boundary of Queenstown Airport.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. how the design advances housing diversity and promotes sustainability either through construction methods, design or function; b. privacy for occupants of the subject site and neighbouring sites; c. in Arrowtown, consistency with Arrowtown’s character, as described within the Arrowtown Design Guidelines 2016; d. street activation; e. building dominance; f. parking and access layout: safety, efficiency and impacts on on-street parking and neighbours; g. design and integration of landscaping; i. where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ul style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated. 	RD
7.4.8	Commercial recreation	D

	Activities located in the Lower Density Suburban Residential Zone	Activity Status
7.4.9	Community activities	D
7.4.10	Retirement villages	D
7.4.11	Activities which are not listed in this table	NC
7.4.12	Commercial activities – greater than 100m² gross floor area	NC
7.4.13		
7.4.14	Airports not otherwise listed in this table	PR
7.4.15	Bulk material storage	PR
7.4.16	Factory Farming	PR
7.4.17	Fish or meat processing	PR
7.4.18	Forestry	PR
7.4.19	Manufacturing and/or product assembling activities	PR
7.4.20	Mining	PR
7.4.21	Panel beating, spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, motor body building	PR
7.4.22	Any activity requiring an Offensive Trade Licence under the Health Act 1956	PR

7.5 Rules - Standards

	Standards for Activities in the Lower Density Suburban Residential Zone	Non-compliance Status
7.5.1	<p>Building Height (for flat sites)</p> <p>7.5.1.1 Wanaka: Maximum of 7 metres.</p> <p>7.5.1.2 Arrowtown: Maximum of 6.5 metres.</p> <p>7.5.1.3 All other locations: Maximum of 8 metres.</p>	NC
7.5.2	<p>Building Height (for sloping sites)</p> <p>7.5.2.1 Arrowtown: Maximum of 6 metres.</p> <p>7.5.2.2 In all other locations: Maximum of 7 metres.</p>	NC

	Standards for Activities in the Lower Density Suburban Residential Zone	Non-compliance Status
7.5.3	<p>In addition to Rules 7.5.1 and 7.5.2, where a site is less than 900m² net area and more than 1 residential unit will result per site, the following height provisions apply:</p> <ul style="list-style-type: none"> a. where residential units are proposed in addition to an existing residential unit, then the additional residential unit(s) shall not exceed 5.5m in height; b. where no residential units exist on the site, or where an existing residential unit is being demolished to provide for 2 or more new residential units on the site, then all proposed residential units shall not exceed 5.5m in height; c. items (a) and (b) above do not apply where a second residential unit is being created within an existing residential unit that is taller than 5.5m. 	D
7.5.4	<p>Airport Noise – Queenstown Airport (excluding any non-critical listening environments)</p> <p>7.5.4.1 Buildings within the Outer Control Boundary and Air Noise Boundary</p> <p>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.</p> <p>7.5.4.2 Compliance within the Air Noise Boundary (ANB)</p> <p>Compliance shall be demonstrated by either adhering to the sound insulation requirements in Rule 36.6.1 and 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.</p> <p>7.5.4.3 Compliance between the Outer Control Boundary (OCB) and the Air Noise Boundary (ANB)</p> <p>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.</p>	NC
7.5.5	<p>Building Coverage</p> <p>A maximum of 40%.</p>	D
7.5.6	<p>Landscaped permeable surface coverage</p> <p>At least 30% of the site area shall comprise landscaped (permeable) surface.</p>	NC

	Standards for Activities in the Lower Density Suburban Residential Zone	Non-compliance Status
<p>7.5.7</p>	<p>Recession plane:</p> <p>a. on flat sites applicable to all buildings;</p> <p>b. on sloping sites only applicable to accessory buildings.</p> <p>7.5.7.1 Northern boundary: 2.5m and 55 degrees.</p> <p>7.5.7.2 Western and eastern boundaries: 2.5m and 45 degrees.</p> <p>7.5.7.3 Southern boundary: 2.5m and 35 degrees.</p> <p>Exemptions:</p> <p>a. gable end roofs may penetrate the building recession plane by no more than one third of the gable height;</p> <p>b. recession planes do not apply to site boundaries adjoining a Town Centre Zone, or fronting a road, or a park or reserve.</p>	<p>NC</p>
<p>7.5.8</p>	<p>Minimum Boundary Setbacks</p> <p>7.5.8.1 Road boundary: 4.5m</p> <p>7.5.8.2 All other boundaries: 2m</p> <p>Exceptions to boundary setbacks:</p> <p>a. accessory buildings for residential activities may be located within the boundary setback distances (other than from road boundaries), where they do not exceed 7.5m in length, there are no windows or openings (other than for carports) along any walls within 1.5m of an internal boundary, and they comply with rules for Building Height and Recession Plane;</p> <p>b. any building may locate within a boundary setback distance by up to 1m for an area no greater than 6m² provided the building within the boundary setback area has no windows or openings;</p> <p>c. eaves may be located up to 600mm into any boundary setback distance along eastern, western and southern boundaries;</p> <p>d. eaves may be located up to 1m into any boundary setback distance along northern boundaries.</p>	<p>D</p>

	Standards for Activities in the Lower Density Suburban Residential Zone	Non-compliance Status
7.5.9	<p>Building Separation Within Sites</p> <p>For detached residential units on the same site, a minimum separation distance of 4m between the residential units within the development site applies.</p> <p>Note: This rule does not apply to attached dwellings.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> whether site constraints justify an alternative separation distance; whether an overall better amenity values outcome is being achieved, including for off-site neighbours; design of the units, with particular regard to the location of windows and doors, so as to limit the potential for adverse effects on privacy between units; in Arrowtown, consistency with Arrowtown's character, as described within the Arrowtown Design Guidelines 2016.
7.5.10	<p>Continuous Building Length</p> <p>The length of any building facade above the ground floor level shall not exceed 16m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties; in Arrowtown, consistency with Arrowtown's character, as described within the Arrowtown Design Guidelines 2016
7.5.11	<p>Density</p> <p>The maximum site density shall be one residential unit or dwelling per 300m² net site area.</p>	NC
7.5.12	<p>Waste and Recycling Storage Space</p> <p>7.5.12.1 Residential activities shall provide, as a minimum, space for a 120 litre residential wheelie bin and 240 litres recycling wheelie bin per residential unit.</p> <p>7.5.12.2 All developments shall suitably screen waste and recycling storage space from the road or public space, in keeping with the building development, or provide space within the development that can be easily accessed by waste and recycling collections.</p>	NC
7.5.13	<p>Glare</p> <p>7.5.13.1 All exterior lighting shall be directed downward and away from the adjacent sites and roads.</p> <p>7.5.13.2 No activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site.</p>	NC

	Standards for Activities in the Lower Density Suburban Residential Zone	Non-compliance Status
7.5.14	<p>Setback of buildings from water bodies</p> <p>The minimum setback of any building from the bed of a river, lake or wetland shall be 7m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. indigenous biodiversity values; b. visual amenity values; c. landscape character; d. open space and the interaction of the development with the water body; e. environmental protection measures (including landscaping and stormwater management); f. whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the location of the building.
7.5.15	<p>Road Noise - State Highway</p> <p>Any new residential buildings or buildings containing Activities Sensitive to Road Noise, located within:</p> <ul style="list-style-type: none"> a. 80 metres of the boundary of a State Highway that has a speed limit of 70km/h or greater; or b. 40 metres of the boundary of a State Highway that has a speed limit less than 70km/h; <p>shall be designed, constructed and maintained to ensure that the internal noise levels do not exceed 40dB LAeq(24h) for all habitable spaces including bedrooms.</p>	NC
7.5.16	<p>Building Restriction Area</p> <p>Where a building restriction area is shown on the District Planning Maps, no building shall be located within the restricted area.</p>	NC
7.5.17	<p>Home Occupation</p> <p>7.5.17.1 No more than 1 full time equivalent person from outside the household shall be employed in the home occupation activity.</p> <p>7.5.17.2 The maximum number of two-way vehicle trips shall be:</p> <ul style="list-style-type: none"> a. heavy vehicles: none permitted; b. other vehicles: 10 per day. <p>7.5.17.3 Maximum net floor area of 60m².</p> <p>7.5.17.4 Activities and storage of materials shall be indoors.</p>	D
7.5.18		
7.5.19		

7.6

Rules - Non-Notification of Applications

7.6.1 The following Restricted Discretionary activities shall not require the written approval of affected persons and shall not be notified or limited notified:

7.6.1.1 Residential units pursuant to Rule 7.4.7, except where vehicle crossing or right of way access on or off a State Highway is sought.

Appendix 2: Chapter 8 – Medium Density Residential Zone, as Recommended

8 MEDIUM DENSITY RESIDENTIAL



8.1

Zone Purpose

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

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

The zone will enable a greater supply of diverse housing options for the District. The main forms of residential development anticipated are terrace housing, semi-detached housing and detached townhouses on small sites of 250m² or greater. The zone will undergo changes to existing densities and built from characteristics over time to provide for the social, economic, cultural and environmental wellbeing of the District's community. In particular, the zone will provide a greater diversity of housing options for smaller households including single persons, couples, small young families and older people seeking to downsize. It will also enable more rental accommodation for the growing population of transient workers in the District.

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

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

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

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

Policies	8.2.1.1	Provide opportunities for medium density housing close to town centres, local shopping zones, activity centres and public transport routes.
	8.2.1.2	Provide for compact development forms that encourage a diverse housing supply and contribute toward containing the outward spread of residential growth away from employment centres.
	8.2.1.3	Enable increased densities where they are located within easy walking distance of employment centres and public transport routes, subject to environmental constraints including local topography, stability and waterways, that may justify a limitation in density or the extent of development.
	8.2.1.4	Enable medium density development through a variety of different housing forms including terrace, semi-detached, duplex, townhouse, or small lot detached housing.

8.2.2 **Objective - Development contributes to the creation of a new, high quality built character within the zone through quality urban design solutions which positively respond to the site, neighbourhood and wider context.**

Policies	8.2.2.1	Ensure buildings address streets and other adjacent public space with limited presentation of unarticulated blank walls or facades to the street(s) or public space(s).
	8.2.2.2	Require visual connection with the street through the inclusion of windows, outdoor living areas, low profile fencing or landscaping.
	8.2.2.3	Ensure street frontages are not dominated by garaging through consideration of their width, design and proximity to the street boundary.
	8.2.2.4	Ensure developments reduce visual dominance effects through variation in facades and materials, roof form, building separation and recessions or other techniques.
	8.2.2.5	Ensure landscaped areas are well designed and integrated into the design of developments, providing high amenity spaces for residents, and to soften the visual impact of development, with particular regard to any street frontage(s).

8.2.3 **Objective - Development provides high quality living environments for residents and provides reasonable maintenance of amenity values enjoyed on adjoining sites taking into account the changed future character intended within the zone.**

- Policies
- 8.2.3.1** Apply permitted activity and resource consent requirements based on recession plane, building height, setbacks and site coverage controls as the primary means of ensuring reasonable maintenance of neighbours' privacy and amenity values.
- 8.2.3.2** Where a resource consent is required for new development, reasonably minimise the adverse effects of the new development on the amenity values enjoyed by occupants of adjoining sites, and have particular regard to the maintenance of privacy for occupants of the development site and neighbouring sites through the application of setbacks, offsetting of habitable room windows from one another, screening or other means.
- 8.2.3.3** Ensure development along the western side of Designation 270¹ has the least possible impact on views from the formed walkway to the west toward Lake Wanaka and beyond, and generally limit development on land immediately adjoining the western side of Designation 270¹ to the permitted building height, recession plane, site coverage and setback limits (including between units) to achieve this.

¹Running south from Aubrey Road, Wanaka

8.2.4 **Objective - In Arrowtown medium density development occurs in a manner compatible with the town's character.**

- Policies
- 8.2.4.1** Ensure development, including infill housing, community activities and commercial development is of a form that is compatible with the existing character of Arrowtown guided by the Arrowtown Design Guidelines 2016 with particular regard given to:
- building design and form;
 - scale, layout and relationship of buildings to the street frontage(s);
 - materials and landscape response(s) including how landscaping softens the building mass relative to any street frontage(s).
- 8.2.4.2** Avoid flat roofed dwellings in Arrowtown.

8.2.5 **Objective - Development efficiently utilises existing infrastructure and minimises impacts on infrastructure networks.**

- Policies
- 8.2.5.1** Ensure access and vehicle parking is located and designed to optimise safety and efficiency of the road network and minimise adverse effects on on-street vehicle parking.

- 8.2.5.2** Ensure development is designed consistent with the capacity of existing infrastructure networks and where practicable incorporates low impact approaches to stormwater management and efficient use of potable water.
- 8.2.5.3** Integrate development with all transport networks and in particular, and where practicable, improve connections to public transport services and active transport networks (tracks, trails, walkways and cycleways).

8.2.6 Objective - Community activities serving the needs of people within the zone locate within the zone on sites where adverse effects are compatible with residential amenity values.

- Policies
- 8.2.6.1** Enable the establishment of community activities where adverse effects on residential amenity values including noise, traffic, lighting, glare and visual impact can be avoided or mitigated.
 - 8.2.6.2** Ensure any community activities occur in areas which are capable of accommodating traffic, parking and servicing to a level which maintains residential amenity values.
 - 8.2.6.3** Ensure any community activities are of a design, scale and appearance compatible with a residential context.

8.2.7 Objective - Commercial development is small scale and generates minimal adverse effects on residential amenity values.

- Policies
- 8.2.7.1** Provide for commercial activities, including home occupation activities, that directly serve the day-to-day needs of local residents, or enhance social connection and vibrancy of the residential environment, provided these do not undermine residential amenity values or the viability of any nearby Town Centre.
 - 8.2.7.2** Ensure that any commercial development is of low scale and intensity, and does not undermine the local transport network or availability of on-street vehicle parking for non-commercial use.
 - 8.2.7.3** Ensure that the noise effects from commercial activities are compatible with the surrounding environment and residential amenity values.
 - 8.2.7.4** Ensure that commercial development is of a design, scale and appearance that is compatible with its surrounding residential context.

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

- Policies
- 8.2.8.1** Encourage a low impact stormwater design that utilises on-site treatment and storage / dispersal approaches.
- 8.2.8.2** Avoid the impacts of stormwater discharges on the State Highway network.
- 8.2.8.3** Provide a planting buffer along the State Highway frontage to soften the view of buildings from the State Highway network.
- 8.2.8.4** Provide for a safe and legible transport connections that avoid any new access to the State Highway, and integrates with the road network and public transport routes on the southern side of State Highway 6.
- Note: Attention is drawn to the need to consult with the New Zealand Transport Agency (NZTA) prior to determining an internal and external road network design under this policy.
- Note: Attention is drawn to the need to obtain a Section 93 notice from the NZ Transport Agency for all subdivisions on State Highways which are declared Limited Access Roads. The NZ Transport Agency should be consulted and a request made for a notice under Section 93 of the Government Roadway Powers Act 1989.
- 8.2.8.5** Require that the design of any road or vehicular access within individual properties is of a form and standard that accounts for long term traffic demands for the area between Hansen Road and Ferry Hill Drive, and does not require the need for subsequent retrofitting or upgrade.
- 8.2.8.6** Require the provision of a safe and legible walking and cycle environment with links to the other internal and external pedestrian and cycle networks and destinations on the southern side of State Highway 6 along the safest, most direct and convenient routes.
- 8.2.8.7** Require the provision of an internal road network that ensures road frontages are not dominated by vehicular access and parking.
- 8.2.8.8** Ensure coordinated, efficient and well-designed development by requiring, prior to, or as part of subdivision and development, construction of the following to appropriate Council standards:
- a. a 'fourth leg' off the Hawthorne Drive/State Highway 6 roundabout;
 - b. all sites created in the area to have legal access to either Hansen Road or the Hawthorne Drive/State Highway 6 roundabout; and
 - c. new and safe pedestrian connections between Hansen Rd and the southern side of SH6, and the Hawthorne Drive/State Highway 6 roundabout, Ferry Hill Drive and the southern side of State Highway 6.
- 8.2.8.9** Encourage the creation of a legal internal road between Hansen Rd and Ferry Hill Drive.

8.2.9 Objective – Non-residential developments which support the role of the Town Centre and are compatible with the transition to residential activities are located within the Wanaka Town Centre Transition Overlay.

- Policies
- 8.2.9.1** Enable non-residential activities to establish in a discrete area of residential-zoned land adjoining the Wanaka Town Centre, where these activities suitably integrate with and support the role of the Town Centre.
 - 8.2.9.2** Require non-residential and mixed use activities to provide a quality built form which activates the street, minimises the visual dominance of parking and adds visual interest to the urban environment.
 - 8.2.9.3** Ensure the amenity values of adjoining residential properties outside of the Wanaka Town Centre Transition Overlay are maintained through design and the application of setbacks.

8.2.10 Objective – Manage the development of land within noise affected environments to ensure mitigation of noise and reverse sensitivity effects.

- Policies
- 8.2.10.1** Require as necessary all new and altered buildings for Activities Sensitive to Road Noise located close to any State Highway to be designed to provide protection from sleep disturbance and to otherwise maintain reasonable amenity values for occupants.
 - 8.2.10.2** Require all new and altered buildings containing an Activity Sensitive to Aircraft Noise (ASAN) located within the Queenstown Airport Air Noise Boundary or Outer Control Boundary to be designed and built to achieve an internal design sound level of 40 dB Ldn.

8.3

Other Provisions and Rules

8.3.1 District Wide

Attention is drawn to the following District Wide chapters.

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

8.3.2 Interpreting and Applying the Rules

- 8.3.2.1** A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules, otherwise a resource consent will be required.
- 8.3.2.2** Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the Non-Compliance Status column shall apply.
- 8.3.2.3** Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.
- 8.3.2.4** Additional activities are provided for in the Wanaka Town Centre Transition Overlay and apply in addition to the other activities provided for throughout the zone. In the event of any inconsistency arising, the more specific Wanaka Town Centre Transitional Overlay rules shall prevail.
- 8.3.2.5** Proposals for development resulting in more than one (1) residential unit per site shall demonstrate that each residential unit is fully contained within the identified net area for each unit.
- 8.3.2.6** Each residential unit may include a single residential flat and any other accessory buildings.
- 8.3.2.7** The following abbreviations are used within this Chapter.

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

8.4

Rules - Activities

Table 1	Activities located in the Medium Density Residential Zone	Activity Status
8.4.1	Commercial activities in the Wanaka Town Centre Transition Overlay	P
8.4.2	Community activities in the Wanaka Town Centre Transition Overlay	P
8.4.3	Home occupations	P
8.4.4	Informal airports for emergency landings, rescues and fire fighting	P
8.4.5	<p>In the Wanaka Town Centre Transition Overlay, Licenced Premises for the consumption of alcohol on the premises between the hours of 8am and 11pm, and also to:</p> <ul style="list-style-type: none"> a. any person who is residing (permanently or temporarily) on the premises; b. any person who is present on the premises for the purpose of dining up until 12am. 	P
8.4.6	<p>Residential Unit</p> <p>8.4.6.1 One (1) per site in Arrowtown (see Rule 8.4.10.1).</p> <p>8.4.6.2 For all locations outside of Arrowtown, three (3) or less per site.</p> <p>Note : Additional rates and development contributions may apply for multiple units located on one site.</p>	P
8.4.7		
8.4.8	<p>Buildings in the Wanaka Town Centre Transition Overlay</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. external design and appearance including the achievement of a development that is compatible with the town centre transitional context, integrating any relevant views or view shafts; b. the external appearance of buildings, including that the use of stone, schist, plaster or natural timber be encouraged; c. privacy for occupants of the subject site and neighbouring sites; d. street activation; e. where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ul style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated. 	P

Table 1	Activities located in the Medium Density Residential Zone	Activity Status
8.4.9	<p>Commercial Activities in Queenstown, Frankton or Wanaka: 100m² or less gross floor area</p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> a. benefits of the commercial activity in servicing the day-to-day needs of local residents; b. hours of operation; c. parking, traffic and access; d. noise; e. design, scale and appearance; f. where a site is subject to any natural hazard and the proposal results in an increase in gross floor area; <ul style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated. 	RD

Table 1	Activities located in the Medium Density Residential Zone	Activity Status
8.4.10	<p>Residential Unit</p> <p>8.4.10.1 One (1) or more per site within the Arrowtown Historic Management Transition Overlay Area.</p> <p>8.4.10.2 Two (2) or more per site in Arrowtown.</p> <p>8.4.10.3 For all locations outside of Arrowtown, four (4) or more per site.</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. location, external appearance, site layout and design of buildings and fences and how the development addresses its context to contribute positively to the character of the area; b. building dominance relative to neighbouring properties and public spaces including roads; c. how the design advances housing diversity and promotes sustainability either through construction methods, design or function; d. privacy for occupants of the subject site and neighbouring sites; e. in Arrowtown, consistency with Arrowtown's character, utilising the Arrowtown Design Guidelines 2016 as a guide; f. street activation; g. parking and access layout: safety, efficiency and impacts on on-street parking and neighbours; h. design and integration of landscaping; i. for land fronting State Highway 6 between Hansen Road and the Shotover River: <ol style="list-style-type: none"> i. safe and effective functioning of the State Highway network; ii. integration with other access points through the zone to link up to Hansen Road, the Hawthorne Drive/State Highway 6 roundabout and/or Ferry Hill Drive; and iii. integration with pedestrian and cycling networks, including to those across the State Highway. j. where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ol style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated. 	RD
8.4.11		
8.4.12	Commercial recreation	D
8.4.13	Commercial activities	D
8.4.14	Retirement villages	D
8.4.15	Activities which are not listed in this table	NC
8.4.16	Commercial Activities greater than 100m² gross floor area	NC
8.4.17		
8.4.18	Airports not otherwise defined	PR

Table 1	Activities located in the Medium Density Residential Zone	Activity Status
8.4.19	Bulk material storage	PR
8.4.20	Factory farming	PR
8.4.21	Fish or meat processing	PR
8.4.22	Forestry	PR
8.4.23	Manufacturing and/or product assembling activities	PR
8.4.24	Mining	PR
8.4.25	Panel beating, spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, motor body building	PR
8.4.26	Any activity requiring an Offensive Trade Licence under the Health Act 1956	PR

8.5

Rules - Standards

	Standards for activities located in the Medium Density Residential Zone	Non-compliance status
8.5.1	<p>Building Height (for flat and sloping sites)</p> <p>8.5.1.1 Wanaka and Arrowtown: A maximum of 7 metres.</p> <p>8.5.1.2 All other locations: A maximum of 8 metres.</p>	NC
8.5.2	<p>Sound insulation and mechanical ventilation</p> <p>Any residential buildings, or buildings containing an activity sensitive to road noise, and located within 80m of a State Highway shall be designed to achieve an Indoor Design Sound Level of 40Db LAeq24h.</p> <p>Compliance with this rule can be demonstrated by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level.</p>	NC
8.5.3	<p>Development on land north of State Highway 6 between Hansen Road and Ferry Hill Drive shall provide the following:</p> <p>8.5.3.1 Transport, parking and access design that:</p> <ol style="list-style-type: none"> ensures connections to the State Highway network are only via Hansen Road, the Hawthorne Drive/State Highway 6 Roundabout, and/or Ferry Hill Drive; there is no new vehicular access to the State Highway Network. <p>8.5.3.2 Where a site adjoins State Highway 6, landscaping planting buffer fronting State Highway 6 as follows:</p> <ol style="list-style-type: none"> Ribbonwood (<i>Plagianthus regius</i>); Corokia cotoneaster; Pittosporum tenuifolium; Grisilinea; Coprosma propinqua; Olearia dartonii. <p>Once planted these plants are to be maintained in perpetuity.</p>	NC

	Standards for activities located in the Medium Density Residential Zone	Non-compliance status
<p>8.5.4</p>	<p>Building Coverage A maximum of 45%.</p>	<p>RD</p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> a. external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties; b. external amenity values for future occupants of buildings on the site; c. effects on views, sunlight and shading on adjacent properties; d. parking and access layout: safety, efficiency and impacts on on-street parking and neighbours; e. in Arrowtown, consistency with Arrowtown's character, as described within the Arrowtown Design Guidelines 2016.
<p>8.5.5</p>	<p>Density The maximum site density shall be one residential unit per 250m² net site area.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties; b. internal and external amenity values for future occupants of buildings on the site; c. privacy for occupants of the subject site and neighbouring sites, including cumulative privacy effects resulting from several household units enabling overlooking of another unit or units; d. parking and access layout: safety, efficiency and impacts on on-street parking and neighbours; e. noise; f. servicing including waste storage and collection; g. in Arrowtown, consistency with Arrowtown's character, as described within the Arrowtown Design Guidelines 2016.

	Standards for activities located in the Medium Density Residential Zone	Non-compliance status
<p>8.5.6</p>	<p>Recession planes:</p> <p>a. On flat sites applicable to all buildings;</p> <p>b. On sloping sites only applicable to accessory buildings.</p> <p>8.5.6.1 Northern boundary: 2.5m and 55 degrees.</p> <p>8.5.6.2 Western and eastern boundaries: 2.5m and 45 degrees.</p> <p>8.5.6.3 Southern boundaries: 2.5m and 35 degrees.</p> <p>8.5.6.4 Gable end roofs may penetrate the building recession plane by no more than one third of the gable height.</p> <p>8.5.6.5 Recession planes do not apply to site boundaries adjoining a Town Centre Zone, fronting the road, or a park or reserve.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. any sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants;</p> <p>b. effects on any significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan);</p> <p>c. external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties;</p> <p>d. in Arrowtown, consistency with Arrowtown’s character, as described within the Arrowtown Design Guidelines 2016.</p>
<p>8.5.7</p>	<p>Landscaped permeable surface</p> <p>At least 25% of site area shall comprise landscaped permeable surface.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. stormwater related effects including flooding and water nuisance;</p> <p>b. visual amenity and the mitigation of the visual effects of buildings and any vehicle parking areas, particularly in relation to any streets or public spaces;</p> <p>c. in Arrowtown, consistency with Arrowtown’s character, as described within the Arrowtown Design Guidelines 2016.</p>

	Standards for activities located in the Medium Density Residential Zone	Non-compliance status
8.5.8	<p>Minimum Boundary Setback</p> <p>a. road boundary setback: 3m minimum, except for:</p> <ol style="list-style-type: none"> i. State Highway boundaries, where the setback shall be 4.5m minimum; ii. garages, where the setback shall be 4.5m minimum; <p>b. all other boundaries: 1.5m.</p> <p>Exceptions to setback requirements other than any road boundary setback.</p> <p>Accessory buildings for residential activities may be located within the setback distances, where they do not exceed 7.5m in length, there are no windows or openings (other than for carports) along any walls within 1.5m of an internal boundary, and they comply with rules for Building Height and Recession Plane.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties; b. streetscape character and amenity; c. any sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants; d. effects on any significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan); e. parking and access layout: safety, efficiency and impacts on on-street parking and neighbours; f. in Arrowtown, consistency with Arrowtown's character, as described within the Arrowtown Design Guidelines 2016.
8.5.9	<p>Building Length</p> <p>The length of any building facade above the ground floor level shall not exceed 24m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties; b. in Arrowtown, consistency with Arrowtown's character, as described within the Arrowtown Design Guidelines 2016.
8.5.10	<p>Waste and Recycling Storage Space</p> <p>8.5.10.1 Residential activities shall provide, as a minimum, space for a 120 litre residential wheelie bin and 240 litres recycling wheelie bin per residential unit.</p> <p>8.5.10.2 All developments shall suitably screen waste and recycling storage space from neighbours, a road or public space, in keeping with the building development or provide space within the development that can be easily accessed by waste and recycling collections.</p>	<p>NC</p>

	Standards for activities located in the Medium Density Residential Zone	Non-compliance status
8.5.11	<p>Glare</p> <p>8.5.11.1 All exterior lighting shall be directed downward and away from the adjacent sites and roads.</p> <p>8.5.11.2 No activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site.</p>	NC
8.5.12	<p>Setback of buildings from water bodies</p> <p>The minimum setback of any building from the bed of a river, lake or wetland shall be 7m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> indigenous biodiversity values; visual amenity values; landscape character; open space and the interaction of the development with the water body; environmental protection measures (including landscaping and stormwater management); whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the location of the building.
8.5.13	<p>Setbacks from electricity transmission infrastructure</p> <p>National Grid Sensitive Activities are located outside of the National Grid Yard.</p>	NC
8.5.14	<p>Garages</p> <p>Garage doors and their supporting structures (measured parallel to the road) shall not exceed 50% of the width of the front elevation of the building which is visible from the street.</p>	D
8.5.15	<p>Home Occupation</p> <p>8.5.15.1 No more than 1 full time equivalent person from outside the household shall be employed in the home occupation activity.</p> <p>8.5.15.2 The maximum number of two-way vehicle trips shall be:</p> <ol style="list-style-type: none"> heavy vehicles: none permitted; other vehicles: 10 per day. <p>8.5.15.3 Maximum net floor area of 60m².</p> <p>8.5.15.4 Activities and storage of materials shall be indoors.</p>	D

	Standards for activities located in the Medium Density Residential Zone	Non-compliance status
8.5.16	Building Restriction Area No building shall be located within a building restriction area as identified on the District Plan Maps.	NC
8.5.17		
8.5.18		

8.6

Rules - Non-Notification of Applications

8.6.1 The following Restricted Discretionary activities shall not require the written approval of affected persons and shall not be notified or limited notified except where vehicle crossing or right of way access on or off a State Highway is sought.

8.6.1.1 Residential units which comply with Rule 8.4.10 and all of the standards in Rule 8.5.

Appendix 3: Chapter 9 – High Density Residential Zone, as Recommended

9 HIGH DENSITY RESIDENTIAL

9.1

Zone Purpose

The High Density Residential Zone provides for efficient use of land within close proximity to town centres that is easily accessible by public transport, cycle and walk ways. In conjunction with the Medium Density Residential Zone, the zone plays a key planning role in minimising urban sprawl and consolidating growth in existing urban areas.

In Queenstown, the High Density Residential zone enables taller buildings than in the other residential zones, subject to high design quality. In Wanaka, lower building heights are anticipated, accounting for its distinctive urban character, however relatively high densities are still achievable. Such development will result in a greater diversity of housing supply, help support the function and vibrancy of town centres, and reduce reliance on private transport. Over time, low-rise apartments and terraced housing are envisaged to become commonplace within the zone.

Development in the zone will facilitate effective non-vehicular connections and access to high quality public open space.

Development controls provide minimum protections for existing amenity values, and are otherwise prioritised towards enabling the community's wellbeing by promoting growth and development. Given the focus on intensification, moderate to substantial change is anticipated including to both public and private views as the character of land within the zone develops into one that is characteristically urban.

Small scale commercial activities are enabled, either to support larger residential developments, or to provide low impact local services.

Small scale community facilities are anticipated, given the need for community activities within residential areas. However, large scale community facilities are not anticipated as this will reduce the effectiveness of the zone at its primary purpose of accommodating housing.

9.2

Objectives and Policies

9.2.1 **Objective – High density housing development occurs in urban areas close to town centres, to provide greater housing diversity and respond to expected population growth.**

Policies	9.2.1.1	Provide sufficient high density zoned land that enables diverse housing supply and visitor accommodation close to town centres.
	9.2.1.2	Promote high density development close to town centres to reduce private vehicle movements, maximise walking, cycling and public transport patronage and reduce the need for capital expenditure on infrastructure.

9.2.2 Objective - High density residential development provides a positive contribution to the environment through quality urban design.

- Policies
- 9.2.2.1** Require that development within the zone responds to its context, with a particular emphasis on the following essential built form outcomes:
 - a. achieving high levels of visual interest and avoiding blank or unarticulated walls or facades;
 - b. achieving well-overlooked, activated streets and public open spaces, including by not visually or spatially dominating street edges with garaging, parking or access ways;
 - c. achieving a variation and modulation in building mass, including roof forms;
 - d. use landscaped areas to add to the visual amenity values of the development for on-site residents or visitors, neighbours, and the wider public.
 - 9.2.2.2** Support greater building height where development is designed to achieve an exemplary standard of quality, including its environmental sustainability.

9.2.3 Objective – High density residential development maintains a minimum of existing amenity values for neighbouring sites as part of positively contributing to the urban amenity values sought within the zone.

- Policies
- 9.2.3.1** Apply recession plane, building height, yard setback and site coverage controls as the primary means of ensuring a minimum level of neighbours’ outlook, sunshine and light access, and privacy will be maintained, while acknowledging that through an application for land use consent an outcome superior to that likely to result from strict compliance with the controls may well be identified.
 - 9.2.3.2** Ensure the amenity values of neighbours are adequately maintained.
 - 9.2.3.3** Ensure built form achieves privacy for occupants of the subject site and neighbouring residential sites and units, including through the use of building setbacks, offsetting habitable windows from one another, screening, or other means.

9.2.4 Objective – Small-scale community activities are provided for where they are best located in a residential environment close to residents.

- Policies
- 9.2.4.1** Enable the establishment of small-scale community activities where adverse effects on residential amenity values such as noise, traffic and visual impact can be avoided or mitigated.

9.2.5 **Objective – Commercial development is small-scale and generates minimal amenity value impacts.**

- Policies
- 9.2.5.1** Ensure that any commercial development is of low scale and intensity, and does not undermine the local transport network or availability of on-street vehicle parking for non-commercial use.
 - 9.2.5.2** Ensure that any commercial development is of a design, scale and appearance compatible with its surrounding context.
-

9.2.6 **Objective - High density residential development will efficiently utilise existing infrastructure and minimise impacts on infrastructure and transport networks.**

- Policies
- 9.2.6.1** Require development to provide or enhance connections to public places and active transport networks (walkways, trails and cycleways) where appropriate.
 - 9.2.6.2** Require development to provide facilities to encourage walking and cycling where appropriate.
 - 9.2.6.3** Ensure access and parking is located and designed to optimise the connectivity, efficiency and safety of the district's transport networks, including the consideration of a reduction in required car parking where it can be demonstrated that this is appropriate.
 - 9.2.6.4** Require the site layout and design of development provides low impact approaches to stormwater management through providing permeable surface areas on site and the use of a variety of stormwater management measures.
 - 9.2.6.5** A reduction in parking requirements may be considered in Queenstown and Wanaka where a site is located within 800m of a bus stop or the edge of a Town Centre Zone.
-

9.2.7 **Objective – Manage the development of land within noise affected environments to ensure mitigation of noise and reverse sensitivity effects.**

- Policies
- 9.2.7.1** Require as necessary all new and altered buildings for Activities Sensitive to Road Noise located close to any State Highway to be designed to provide protection from sleep disturbance and to otherwise maintain reasonable amenity values for occupants.

9.3.1 District Wide

Attention is drawn to the following District Wide chapters.

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

9.3.2 Interpreting and Applying the Rules

- 9.3.2.1** A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules, otherwise a resource consent will be required.
- 9.3.2.2** Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the 'Non-Compliance Status' column shall apply.
- 9.3.2.3** Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.
- 9.3.2.4** Each residential unit may include a single residential flat and any other accessory buildings.
- 9.3.2.5** The following abbreviations are used within this Chapter.

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

9.4 Rules - Activities

	Activities located in the High Density Residential Zone	Activity Status
9.4.1	Commercial activities comprising no more than 100m² of gross floor area	P
9.4.2	Home occupation	P
9.4.3	Residential Unit comprising three (3) or less per site	P
9.4.4		
9.4.5	<p>Residential Unit comprising four (4) or more per site</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. location, external appearance, site layout and design of buildings and fences and how the development addresses its context to contribute positively to the character of the area; b. building dominance and sunlight access relative to neighbouring properties and public spaces including roads; c. how the design advances housing diversity and promotes sustainability either through construction methods, design or function; d. privacy for occupants of the subject site and neighbouring sites; e. street activation; f. parking and access layout: safety, efficiency and impacts on on-street parking and neighbours; g. design and integration of landscaping; h. where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ul style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated. 	RD
9.4.6		
9.4.7	Commercial recreation	D
9.4.8	Community activities	D
9.4.9	Retirement village	D
9.4.10	Activities which are not listed in this table	NC
9.4.11	Commercial Activities not otherwise identified	NC
9.4.12	Panel beating, spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, motor body building.	PR
9.4.13	Manufacturing and/or product assembling activities	PR

	Activities located in the High Density Residential Zone	Activity Status
9.4.14	Mining	PR
9.4.15	Factory Farming	PR
9.4.16	Fish or meat processing	PR
9.4.17	Forestry	PR
9.4.18	Any activity requiring an Offensive Trade Licence under the Health Act 1956	PR
9.4.19	Airports other than the use of land and water for emergency landings, rescues and fire fighting	PR
9.4.20	Bulk material storage	PR

9.5

Rules - Standards

	Standards for activities located in the High Density Residential Zone	Non- compliance Status
9.5.1	Building Height – Flat Sites in Queenstown	RD
	9.5.1.1 A height of 12 metres except where specified in Rules 9.5.1.2, 9.5.1.3 or 9.5.1.4.	Discretion is restricted to: <ul style="list-style-type: none"> a. building design and appearance, including roof form articulation and the avoidance of large, monolithic building forms; b. building dominance and sunlight access relative to neighbouring properties and public spaces including roads; c. how the design advances housing diversity and promotes sustainability either through construction methods, design or function; d. privacy for occupants of the subject site and neighbouring sites; e. effects on significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan); f. the positive effects of enabling additional development intensity within close proximity to town centres.
	9.5.1.2 In the High Density Residential Zone immediately west of the Kawarau Falls Bridge the maximum building height shall be 10m provided that in addition no building shall protrude above a horizontal line orientated due north commencing 7m above any given point along the required boundary setbacks at the southern zone boundary.	D
	9.5.1.3 Within the area specified on the planning maps on the south side of Frankton Road (SH6A), the highest point of any building shall not exceed the height above sea level of the nearest point of the road carriageway centreline.	D
9.5.1.4 Maximum building height of 15m.	D	

	Standards for activities located in the High Density Residential Zone	Non- compliance Status
<p>9.5.3</p>	<p>Building Height – Sloping sites in Queenstown and Wanaka</p> <p>9.5.3.1 A height of 7m, except as specified in Rules 9.5.3.2, 9.5.3.3 and 9.5.3.4</p> <p>9.5.3.2 Immediately west of the Kawarau Falls Bridge the maximum building height shall be 10m provided that in addition no building shall protrude above a horizontal line orientated due north commencing 7m above any given point along the required boundary setbacks at the southern zone boundary.</p> <p>9.5.3.3 Within the area specified on the planning maps on the south side of Frankton Road (SH6A), the highest point of any building shall not exceed the height above sea level of the nearest point of the road carriageway centreline.</p> <p>9.5.3.4 Maximum building height of 10m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. building design and appearance, including roof form articulation and the avoidance of large, monolithic building forms; b. building dominance and sunlight access relative to neighbouring properties and public spaces including roads; c. how the design advances housing diversity and promotes sustainability either through construction methods, design or function; d. how the design responds to the sloping landform so as to integrate with it; e. privacy for occupants of the subject site and neighbouring sites; f. effects on significant public views, in particular from Lismore Park (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan); g. the positive effects of enabling additional development intensity within close proximity to town centres. <p>D</p> <p>D</p> <p>D</p>
<p>9.5.4</p>	<p>Building Coverage</p> <p>A maximum of 70% site coverage.</p> <p>Exclusions:</p> <ul style="list-style-type: none"> a. building coverage does not include any veranda over public space and does not apply to underground structures, which are not visible from ground level and which are landscaped to appear as recreational or planted (including grassed) areas. 	<p>NC</p>

	Standards for activities located in the High Density Residential Zone	Non- compliance Status
<p>9.5.5</p>	<p>Recession plane (applicable to all buildings, including accessory buildings)</p> <p>9.5.5.1 For Flat Sites from 2.5 metres above ground level a 45 degree recession plane applies to all boundaries, other than the northern boundary of the site where a 55 degree recession plane applies.</p> <p>9.5.5.2 No recession plane for sloping sites</p> <p>Exclusions:</p> <ul style="list-style-type: none"> a. gable end roofs may penetrate the building recession plane by no more than one third of the gable height; b. recession planes do not apply to site boundaries adjoining a Town Centre Zone fronting a road, or adjoining a park or reserve. 	<p>RD – for boundaries where the High Density Residential zone applies on each side of the boundary.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. any sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants; b. effects on any significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan); c. external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties. <p>NC – for boundaries where there is a change of zone other than as specified in the exclusions.</p>
<p>9.5.6</p>	<p>Landscaped permeable surface coverage</p> <p>At least 20% of site area shall comprise landscaped (permeable) surface.</p>	<p>NC</p>
<p>9.5.7</p>	<p>Building Length</p> <p>The length of any building facade above the ground floor level shall not exceed 30m.</p>	<p>RD</p> <p>Discretion is restricted to the following:</p> <ul style="list-style-type: none"> a. external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties.
<p>9.5.8</p>	<p>Minimum Boundary Setbacks</p> <p>9.5.8.1 All boundaries 2 metres except for State Highway road boundaries where the minimum setback shall be 4.5m.</p> <p>9.5.8.2 Garages shall be at least 4.5m back from a road boundary.</p> <p>Exceptions to setback requirements other than any road boundary setbacks:</p> <p>Accessory buildings for residential activities may be located within the setback distances, where they do not exceed 7.5m in length, there are no windows or openings (other than for carports) along any walls within 1.5m of an internal boundary, and comply with rules for Building Height and Recession Plane.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties; b. streetscape character and amenity; c. any sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants; d. effects on any significant public views (based on an assessment of public views undertaken at the time of the proposal, in addition to any specified significant public views identified within the District Plan).

	Standards for activities located in the High Density Residential Zone	Non- compliance Status
9.5.9	<p>Waste and Recycling Storage Space</p> <p>9.5.9.1 Residential activities of three units or less shall provide, as a minimum, space for a 120 litre residential wheelie bin and 240 litres recycling wheelie bin per unit.</p> <p>9.5.9.2 All developments shall screen waste and recycling storage space from neighbours, a road or public place, in keeping with the building development or, provide space within the development that can be easily accessed by waste and recycling collections.</p>	NC
9.5.10	<p>Glare</p> <p>9.5.10.1 All exterior lighting shall be directed downward and away from the adjacent sites and roads.</p> <p>9.5.10.2 No activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site.</p>	NC
9.5.11	<p>Sound Insulation and Mechanical Ventilation</p> <p>For buildings located within 80m of a State Highway.</p> <p>Any residential buildings, or buildings containing an Activity Sensitive to Road Noise, and located within 80m of a State Highway shall be designed to achieve an Indoor Design Sound Level of 40dB LAeq24h.</p> <p>Compliance with this rule can be demonstrated by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the internal design sound level.</p>	NC
9.5.12	<p>Building Restriction Area</p> <p>No building shall be located within a building restriction area as identified on the District Plan Maps.</p>	NC
9.5.13	<p>Flood Risk</p> <p>The construction or relocation of buildings with a gross floor area greater than 20m² and having a ground floor level less than:</p> <p>9.5.13.1 RL 312.0 masl at Queenstown and Frankton.</p> <p>9.5.13.2 RL 281.9 masl at Wanaka.</p>	PR
9.5.12		
9.5.13		

- 9.6.1 The following Restricted Discretionary activities shall not require the written approval of affected persons and shall not be notified or limited notified except where vehicle crossing or right of way access on or off a State Highway is sought:**
- 9.6.2.1** Residential development involving the development of 4 or more residential units where the standards in Rule 9.5 are complied with.
- 9.6.2 The following Restricted Discretionary activities will not be publicly notified but notice will be served on those persons considered to be adversely affected if those persons have not given their written approval:**
- 9.6.2.1** Restricted Discretionary building height and recession plane contraventions.
- 9.6.2.2** Boundary setback contraventions of up to 0.6m into the required setback depth of the yard (for unlimited length of the boundary).

Appendix 4: Chapter 10 – Arrowtown Residential Historic Management Zone, as Recommended

10 ARROWTOWN RESIDENTIAL HISTORIC MANAGEMENT ZONE

10.1

Zone Purpose

This zone covers the older part of the residential settlement of Arrowtown. The area has a distinctive character and atmosphere which has evolved from the development pattern set at the time of early gold mining in the District.

The purpose of this zone is to allow for the continued sensitive development of the historic area of residential Arrowtown in a way that will protect and enhance those characteristics that make it a valuable part of the town for local residents and for visitors attracted to the town by its historic associations and unique character.

In particular the zone seeks to retain the early subdivision pattern and streetscape, and ensure future development is of a scale and design sympathetic to the present character.

Unlike other residential zones, infill housing is not anticipated. However, as with the remainder of the District's residential zones, Residential Flats are provided for as a fundamental part of a standard residential unit to increase the diversity of residential accommodation in the zone as well as recognise the diverse household types and preferences within the District.

The Town Centre Transition Overlay provides for limited expansion of commercial activities in an identified location adjoining the town centre. Any modifications to existing buildings or properties are expected to retain the historical character and qualities of the Old Town Residential Area.

10.2

Objectives and Policies

10.2.1 **Objective – Development retains or enhances the historic character and amenity values of the zone, which is characterised by larger sites, low scale and single storey buildings, the presence of trees and vegetation and limited hard paving.**

- | | |
|----------|--|
| Policies | <p>10.2.1.1 Apply development controls around building location, scale and appearance, and landscaped areas, to ensure the special character of the area is retained or enhanced.</p> <p>10.2.1.2 Encourage buildings to be located and designed in a manner that complements the character of the area guided by the Arrowtown Design Guidelines 2016.</p> <p>10.2.1.3 Control the subdivision of land and regulate density to ensure the character resulting from the existing large lot sizes and historical subdivision pattern is retained.</p> <p>10.2.1.4 Ensure that any commercial and non-residential activities, including restaurants, maintain or enhance the amenity, quality and character of the zone and surrounding area.</p> <p>10.2.1.5 Avoid non-residential activities that would undermine the amenity of the zone or the vitality of Arrowtown's commercial zone.</p> |
|----------|--|

10.2.2 Objective - Community activities that are best suited to a location within a residential environment close to residents are provided for.

Policies **10.2.2.1** Enable the establishment of small scale community activities where adverse effects on the character and amenity values of the area in terms of noise, traffic and visual impact can be avoided or mitigated.

10.2.3 Objective - Development efficiently utilises existing infrastructure and otherwise minimises impacts on infrastructure and road networks.

Policies **10.2.3.1** Ensure vehicle access and parking is located and designed to optimise efficiency and safety, and designed in sympathy with the character of the area.

10.2.3.2 Encourage low impact approaches to stormwater management.

10.2.4 Objective - The Arrowtown Town Centre Transition Overlay provides for non-residential activities that provide local employment and commercial services to support the role of the Town Centre Zone.

Policies **10.2.4.1** Provide for commercial activities that are compatible with the established residential scale, character and historical pattern of development within the Arrowtown Town Centre Transition Overlay.

10.2.4.2 Limit retailing in the Town Centre Transition Overlay to ensure that the Town Centre Zone remains the principal focus for Arrowtown's retail activities.

10.3

Other Provisions and Rules

10.3.1 District Wide Rules

Attention is drawn to the following District Wide chapters.

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

10.3.2 Interpreting and Applying the Rules

- 10.3.2.1** A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules, otherwise a resource consent will be required.
- 10.3.2.2** Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the 'Non-Compliance Status' column shall apply.
- 10.3.2.3** Where an activity breaches more than one Standard, the most restrictive status shall apply to the activity.
- 10.3.2.4** Each residential unit may include a single residential flat and any other accessory buildings.
- 10.3.2.5** The following abbreviations are used within this Chapter.

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

10.4

Rules - Activities

Table 1	Activities located in the Arrowsown Residential Historic Management Zone	Activity Status
10.4.1	Home occupation	P
10.4.2	Minor Alterations and Additions to a Building	P
10.4.3	Recreational Activity	P
10.4.4	Residential Unit Note: Refer to Rule 10.4.6 for construction of new, and alterations and additions to existing, buildings.	P
10.4.5		
10.4.6	<p>The Construction or external alteration of any buildings</p> <p>This rule does not apply to Minor Alterations and Additions to a Building provided for by Rule 10.4.2.</p> <p>Discretion is restricted to the following with the Arrowsown Design Guidelines 2016 being the principal tool to be used in considering the merit of proposals (within the restrictions of discretion):</p> <ol style="list-style-type: none"> a. how new or altered buildings make a positive contribution to the heritage character of the zone; b. building form, appearance, scale and layout including the height to the eaves, ridge, roof shape and pitch; c. exterior materials and colour; d. landscaping and fencing; e. where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: <ol style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated. <p>The following additional restriction of discretion also applies within the Arrowsown Town Centre Transition Overlay:</p> <ol style="list-style-type: none"> a. retention and enhancement of pedestrian linkages between Buckingham Street and Romans Lane. 	RD
10.4.7		
10.4.8	Community activities	D
10.4.9	Any Activity not listed in Table 1	NC
10.4.10	Commercial activities	NC
10.4.11		
10.4.12	Panel beating , spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, motor body building.	PR

Table 2	Activities within the Arrowtown Town Centre Transition Overlay Additional to or in Place of those in Table 1	Activity Status
10.4.13	Commercial activities (except where specified for retail activities)	P
10.4.14	Community Activities	P
10.4.15	Licensed Premises Premises licensed for the consumption of alcohol on the premises between the hours of 8am and 11pm.	P
10.4.16	Licensed Premises Premises licensed for the consumption of alcohol on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale of liquor: <ul style="list-style-type: none"> a. to any person who is residing (permanently or temporarily) on the premises; b. to any person who is present on the premises for the purpose of dining up until 12am. Discretion is restricted to: <ul style="list-style-type: none"> a. the scale of the activity; b. car parking and traffic generation; c. effects on amenity values; d. noise; e. hours of operation; f. where a site is subject to any natural hazard and the proposal results in an increase in gross floor area; <ul style="list-style-type: none"> i. the nature and degree of risk the hazard(s) pose to people and property; ii. whether the proposal will alter the risk to any site; and iii. the extent to which such risk can be avoided or sufficiently mitigated. 	RD
10.4.17	Retail Activities Retailing restricted to goods manufactured on site and ancillary products, and comprising no more than 10% of the gross floor area	D
10.4.18	Any Activity not listed in either Table 1 and Table 2	NC

10.5

Rules - Standards for Activities

Table 3	Standards for Activities: Arrowtown Residential Historic Management Zone	Non- compliance Status
10.5.1	Building Height A maximum height limit of 5 metres.	NC
10.5.2	Density Not more than one Residential Unit per 650 square metres of net site area.	NC
10.5.3	Building Coverage The maximum building coverage shall be 30% of the net site area.	NC
10.5.4	Combined Building Coverage and Impervious Surfaces The total area covered by building coverage and impervious surfaces on any site shall not exceed 35% of the net site area.	NC
10.5.5	Road Boundary Setbacks Where existing buildings (other than accessory buildings) are already located on the site - the shortest distance from the road boundary to the building (other than an accessory building) measured at right angles to the front boundary; or Where no existing buildings (other than accessory buildings) are located on the site the mean of the setback of any buildings (other than accessory buildings) located on the immediately adjoining lots or 6.0m, whichever is the greater.	RD Discretion is restricted to the following with the Arrowtown Design Guidelines 2016 being the principal tool to be used in considering the merit of proposals (within the matters of discretion): <ol style="list-style-type: none"> a. streetscape character and amenity values, including the extent to which the building(s) sit compatibly with neighbours to the side and across the street; b. building dominance on neighbouring properties and the street; c. landscaping; d. parking and manoeuvring.

Table 3	Standards for Activities: Arrowtown Residential Historic Management Zone	Non- compliance Status
10.5.6	<p>Side and Rear Boundary Setbacks</p> <p>10.5.6.1 Side and rear boundary setbacks: 3.0m.</p> <p>10.5.6.2 Exceptions to side and rear boundary setbacks:</p> <ul style="list-style-type: none"> a. accessory buildings for residential activities are permitted within the setback distance, providing they do not exceed 7.5m in length and comply with a recession plane of 2.5m vertical measured at the boundary, and a 35 degree plane inwards; b. gable end roofs may penetrate above the building recession plane by no more than one third of the gable height; c. recession planes do not apply to site boundaries fronting the street or a reserve. <p>Note: Refer to the recession planes interpretive diagram in Chapter 2 Definitions.</p>	<p>RD</p> <p>Discretion is restricted to the following with the Arrowtown Design Guidelines 2016 being the principal tool to be used in considering the merit of proposals (within the matters of discretion):</p> <ul style="list-style-type: none"> a. effects on open space, privacy sunlight access and amenity values of neighbouring properties; b. building dominance.
10.5.7	<p>Glare</p> <ul style="list-style-type: none"> a. all exterior lighting shall be directed downward and away from the adjacent sites and roads; b. no activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site. 	<p>NC</p>
10.5.8	<p>Building Restriction Area</p> <p>No building shall be located within a building restriction area as identified on the District Plan Maps.</p>	<p>NC</p>
10.5.8		
10.5.9		

Appendix 5: Chapter 11 – Large Lot Residential Zone, as Recommended

11 LARGE LOT RESIDENTIAL

11.1

Zone Purpose

The Large Lot Residential Zone provides low density living opportunities within defined Urban Growth Boundaries. The zone also serves as a buffer between higher density residential areas and rural areas that are located outside of Urban Growth Boundaries.

The zone generally provides for a density of one residence every 2000m² to provide for a more efficient development pattern to utilise the Council's water and wastewater services while maintaining opportunities for a variety of housing options, landscaping and open space. Identified areas have a residential density of one residence every 4000m² reflecting landscape or topographical constraints such as around Mt Iron in Wanaka.

The potential adverse effects of buildings are controlled by bulk and location, colour and lighting standards and in respect of the lower density (4,000m²) part of the zone, design and landscaping controls imposed at the time of subdivision.

Community activities and low intensity forms of visitor accommodation may be appropriate provided the low density development character, and amenity for residents is maintained and there is a demonstrated need to locate in the zone.

While development is anticipated in the zone, some areas are subject to natural hazards and, where applicable, it is anticipated that development will recognise and manage the risks of natural hazards at the time of subdivision.

11.2

Objectives and Policies

11.2.1 Objective - A high quality of residential amenity values are maintained within the Large Lot Residential Zone.

- | | |
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| Policies | <p>11.2.1.1 Maintain low density residential character and amenity through minimum allotment sizes that efficiently utilise the land resource and infrastructure (Area A), and require larger allotment sizes in those parts of the zone that are subject to significant landscape and/or topographical constraints (Area B).</p> <p>11.2.1.2 Maintain and enhance residential character and high amenity values by controlling the colour, scale, location and height of buildings and in Area B require landscaping and vegetation controls.</p> <p>11.2.1.3 Control lighting to avoid glare to other properties, roads, public places and views of the night sky.</p> <p>11.2.1.4 Have regard to hazards and human safety, including fire risk from vegetation and the potential risk to people and buildings, when assessing subdivision, development and any landscaping in Area B.</p> |
|----------|--|

11.2.2 Objective - Predominant land uses are residential. Where appropriate, community and recreational activities also occur.

- Policies
- 11.2.2.1** Provide for residential and home occupation as permitted activities, and recognise that depending on the location, scale and type, community activities may be compatible with and enhance the zone’s amenity values.
 - 11.2.2.2** Commercial or other non-residential activity located on the periphery of residential and township areas shall avoid undermining the integrity of the town centres, urban rural edge and where applicable, the Urban Growth Boundaries.
 - 11.2.2.3** Ensure that any commercial and non-residential activities, including restaurants, maintain or enhance the amenity, quality and character of the zone.

11.3

Other Provisions and Rules

11.3.1 District Wide Rules

Attention is drawn to the following District Wide chapters.

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

11.3.2 Interpreting and Applying the Rules

- 11.3.2.1** A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules, otherwise a resource consent will be required.
- 11.3.2.2** Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the ‘Non-Compliance Status’ column shall apply.

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

11.3.2.4 Each residential unit may include a single residential flat and any other accessory buildings.

11.3.2.5 The following abbreviations are used within this Chapter.

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

11.4 Rules - Activities

Table 1	Activities located in the Large Lot Residential Zone	Activity Status
11.4.1	Residential Unit	P
11.4.2	Recreational Activity	P
11.4.3	Home occupation	P
11.4.4		
11.4.5		
11.4.6	Community activities	D
11.4.7	Commercial recreational activity	D
11.4.8	Any other activity not listed in Table 1	NC
11.4.9	Licensed Premises	NC
11.4.10		
11.4.11	Panel beating, spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, motor body building.	PR

11.5

Rules - Standards for Activities

Table 2	Standards for Activities	Non- compliance Status
<p>11.5.1</p>	<p>Building Height</p> <p>11.5.1.1 Except where limited by Rules 11.5.1.2 or 11.5.1.3 a maximum height limit of 8 metres.</p> <p>11.5.1.2 A maximum height of 7 metres:</p> <ul style="list-style-type: none"> a. on sites located between Beacon Point Road and the margins of Lake Wanaka; and b. on sites located between Studholme Road and Meadowstone Drive. <p>11.5.1.3 A maximum height of 5.5 metres above a floor level of 283 masl:</p> <ul style="list-style-type: none"> a. on the site(s) located at the northern end of Beacon Point Road (as identified on the District Plan maps). 	<p>NC</p> <p>NC</p> <p>NC</p>
<p>11.5.2</p>	<p>Building Coverage</p> <p>The maximum building coverage shall be 15% of the net site area.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the effect on openness and spaciousness; b. effects on views and outlook from neighbouring properties; c. visual dominance of buildings; d. landscaping.
<p>11.5.3</p>	<p>Setback from internal boundaries</p> <p>11.5.3.1 Large Lot Residential Area A: the minimum setback of any building from internal boundaries shall be 4 metres.</p> <p>11.5.3.2 Large Lot Residential Area B: the minimum setback of any building from internal boundaries shall be 6 metres.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the effect on openness and spaciousness; b. effects on privacy, views and outlook from neighbouring properties; c. visual dominance of buildings; d. landscaping.
<p>11.5.4</p>	<p>Setback from roads</p> <p>The minimum setback of any building from a road boundary shall be 10m.</p>	<p>NC</p>

Table 2	Standards for Activities	Non- compliance Status
11.5.5	<p>Setback of buildings from water bodies</p> <p>The minimum setback of any building from the bed of a river, lake or wetland shall be 20m.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. any indigenous biodiversity values; b. visual amenity values; c. landscape character; d. open space including public access; e. whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the location of the building.
11.5.6	<p>Building Length</p> <p>The length of any facade above the ground floor level shall not exceed 20m.</p>	<p>RD</p> <p>Discretion shall be restricted to:</p> <ul style="list-style-type: none"> a. external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties.
11.5.7	<p>Home Occupation</p> <p>Home occupation activities shall comply with the following:</p> <p>11.5.7.1 No more than 1 full time equivalent person from outside the household shall be employed in the home occupation activity.</p> <p>11.5.7.2 The maximum number of vehicle trips shall be:</p> <ul style="list-style-type: none"> a. heavy Vehicles: 2 per week; b. other vehicles: 10 per day. <p>11.5.7.3 Maximum net floor area of not more than 60m².</p> <p>11.5.7.4 Activities and the storage of materials shall be indoors.</p>	<p>D</p>
11.5.8	<p>Glare</p> <ul style="list-style-type: none"> a. all exterior lighting shall be directed downward and away from the adjacent sites and roads. b. no activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site. 	<p>D</p>
11.5.9	<p>Residential Density</p> <p>11.5.9.1 Large Lot Residential Area A: a maximum of one residential unit per 2000m² net site area.</p> <p>11.5.9.2 Large Lot Residential Area B: a maximum of one residential unit per 4000m² net site area.</p>	<p>D</p>

Table 2	Standards for Activities	Non- compliance Status
11.5.10	<p>Building Materials and Colours</p> <p>For sites within Large Lot Residential Area B:</p> <ul style="list-style-type: none"> a. all exterior surfaces shall be coloured in the range of black, browns, greens or greys; b. pre-painted steel, and all roofs shall have a reflectance value not greater than 20%; c. surface finishes shall have a reflectance value of not greater than 30%. 	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. landscape and visual effects, including the extent to which the physical scale of the building(s) make a proposed building's materials and colours more or less visually prominent.
11.5.11	<p>Recession Plane</p> <p>The following applies to all sites with a net site area less than 4000m².</p> <p>11.5.11.1 Northern boundary: 2.5m and 55 degrees.</p> <p>11.5.11.2 Western and eastern boundaries: 2.5m and 45 degrees.</p> <p>11.5.11.3 Southern boundary: 2.5m and 35 degrees.</p> <p>Exemptions:</p> <ul style="list-style-type: none"> a. gable end roofs may penetrate the building recession plane by no more than one third of the gable height. b. recession planes do not apply to site boundaries fronting a road or a reserve. 	NC
11.5.12	<p>Building Restriction Area</p> <p>No building shall be located within a building restriction area as identified on the District Plan Maps.</p>	NC
11.5.13		
11.5.14		

Appendix 6: Recommendations on Submissions and Further Submissions

Part A: Submissions

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
7.2	Sue Knowles	Reject	General
7.3	Sue Knowles	Reject	32
9.1	Terry Drayron	Reject	25.5
9.2	Terry Drayron	Reject	General
9.5	Terry Drayron	Accept	General
15.1	John Blennerhassett	Accept	29.6
19.14	Kain Fround	Reject	General
19.20	Kain Fround	Accept	General
19.5	Kain Fround	Reject	General
19.6	Kain Fround	Reject	General
20.2	Aaron Cowie	Accept in part	General
22.10	Raymond Walsh	Accept	General
22.2	Raymond Walsh	Accept in part	General
22.3	Raymond Walsh	Accept in part	7
22.4	Raymond Walsh	Accept	12
22.5	Raymond Walsh	Accept	18
22.6	Raymond Walsh	Accept in part	20
22.7	Raymond Walsh	Accept	25
22.8	Raymond Walsh	Accept	30
22.9	Raymond Walsh	Reject	General
24.1	Hayden Tapper	Accept	12.14
24.2	Hayden Tapper	Accept in part	25.4
24.3	Hayden Tapper	Accept in part	25.4
24.5	Hayden Tapper	Accept	20
26.1	David Clarke	Accept in part	General
35.1	Keith Hubber Family Trust No 2	Accept in part	20
35.2	Keith Hubber Family Trust No 2	Accept	12.14
35.3	Keith Hubber Family Trust No 2	Accept in part	25.4
35.4	Keith Hubber Family Trust No 2	Accept in part	25.4
36.1	Malcolm, Anna McKellar, Stevenson	Accept in part	20
36.3	Malcolm, Anna McKellar, Stevenson	Accept	12.14
36.4	Malcolm, Anna McKellar, Stevenson	Accept in part	25.4
36.5	Malcolm, Anna McKellar, Stevenson	Accept in part	25.4
42.2	J, E & ML Russell & Stiassny	Reject	General
43.1	KE & HM, RD Hamlin, Liddell	Accept in part	20
43.2	KE & HM, RD Hamlin, Liddell	Accept	12.14
43.3	KE & HM, RD Hamlin, Liddell	Accept in part	25.4
43.4	KE & HM, RD Hamlin, Liddell	Accept in part	25.4
44.1	Valerie Parker	Reject	General

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
55.2	Willum Richards Consulting Ltd	Reject	13.4
58.1	Sue Wilson	Reject	26.2
60.1	Mike Hansen	Reject	25.7
60.2	Mike Hansen	Reject	25.6
60.3	Mike Hansen	Reject	25.3
61.3	Dato Tan Chin Nam	Accept	8
61.6	Dato Tan Chin Nam	Accept	26.4
61.7	Dato Tan Chin Nam	Accept in part	31
64.1	Trustees - Panorama Trust	Reject	27.3
64.2	Trustees - Panorama Trust	reject	32
67.1	Keith Syme	Reject	25.6
67.2	Keith Syme	Reject	25.7
67.3	Keith Syme	Reject	25.3
68.2	Nigel Sadlier	Accept in part	27.2
68.3	Nigel Sadlier	Reject	27.2
68.4	Nigel Sadlier	Reject	27.3
68.5	Nigel Sadlier	Reject	27.3
69.1	Terence Hetherington	Accept in part	General
72.1	Kelvin Peninsula Community Association	Accept in part	General
72.2	Kelvin Peninsula Community Association	Accept in part	25.3
73.2	Margaret Prescott	Accept in part	26.2
74.5	QLDC rates payer	N/A -	29.6
77.1	Angela Waghorn	Reject	32
78.4	Jennie Blennerhassett	N/A	29.6
83.2	A M Mavora MacKenzie	Reject	25.3
83.3	A M Mavora MacKenzie	Reject	25.6
83.4	A M Mavora MacKenzie	Reject	25.7
86.6	Jeff Aldridge	Accept in part	9
87.4	Shelley McMeeken	N/A	29.6
87.5	Shelley McMeeken	N/A	29.6
89.1	Emma Chisholm	Accept in part	25.5
92.1	Deborah Richards	Reject	13.4
97.6	Hurtell Proprietary Limited, Landeena Holdings Limited, Shellmint Proprietary Limited	Accept	26.4
110.12	Alan Cutler	Accept in part	General
110.5	Alan Cutler	Accept in part	12.2
110.6	Alan Cutler	Reject	25.3
110.7	Alan Cutler	Reject	12.11
110.8	Alan Cutler	Accept in part	25.2
117.10	Maggie Lawton	Reject	General
117.17	Maggie Lawton	Accept in part	29.4
117.18	Maggie Lawton	Accept in part	29.7
117.3	Maggie Lawton	Reject	12.3
117.30	Maggie Lawton	Accept in part	12.8
117.31	Maggie Lawton	Accept in part	12.10

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
117.32	Maggie Lawton	Reject	12.11
117.33	Maggie Lawton	Reject	12.11
117.34	Maggie Lawton	Accept	12.14
117.35	Maggie Lawton	Accept in part	13
117.36	Maggie Lawton	Accept	26.7
117.4	Maggie Lawton	Accept in part	26.4
117.5	Maggie Lawton	Accept in part	16.1
130.1	Richard & Lynn Kane	Accept	8
130.2	Richard & Lynn Kane	Reject	26.4
132.1	Rupert & Elizabeth Le Berne Illes	Reject	25.3
132.3	Rupert & Elizabeth Le Berne Illes	Reject	25.6
132.4	Rupert & Elizabeth Le Berne Illes	Reject	25.7
141.1	Barbara Williams	Accept in part	25.4
141.2	Barbara Williams	Accept in part	25.4
141.4	Barbara Williams	Accept in part	20
141.5	Barbara Williams	Accept	12.14
142.3	as trustees of the Anzac Trust	Accept	29.4
144.1	Paul Sherriff	Reject	25.7
144.2	Paul Sherriff	Reject	25.6
144.4	Paul Sherriff	Accept in part	12.2
144.5	Paul Sherriff	Accept in part	12.2
144.6	Paul Sherriff	Accept in part	12.14
147.1	Maria Verduyn	Reject	General
148.2	Jack and Valerie Hamilton	Reject	25.6
148.3	Jack and Valerie Hamilton	Reject	25.7
148.4	Jack and Valerie Hamilton	Reject	25.3
158.1	Mary Paul	Reject	25.3
158.3	Mary Paul	Reject	25.6
158.4	Mary Paul	Reject	25.7
159.10	Karen Boulay	N/A	14.2
159.11	Karen Boulay	N/A	27.4
159.12	Karen Boulay	N/A	22
159.13	Karen Boulay	Reject	General
159.14	Karen Boulay	Reject	32
159.15	Karen Boulay	Reject	12.2
159.16	Karen Boulay	Reject	12.8
159.17	Karen Boulay	Reject	20
159.18	Karen Boulay	Reject	20
159.20	Karen Boulay	Accept in part	22
159.21	Karen Boulay	Accept in part	22
159.22	Karen Boulay	Accept in Part	14.5
159.5	Karen Boulay	Reject	27.2
159.6	Karen Boulay	Accept in part	27.3
159.7	Karen Boulay	Reject	General
166.1	Aurum Survey Consultants	Accept in part	20
166.10	Aurum Survey Consultants	Accept in part	29.6
166.14	Aurum Survey Consultants	Reject	22
166.15	Aurum Survey Consultants	Accept	27.4

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
166.16	Aurum Survey Consultants	Reject	32
166.2	Aurum Survey Consultants	Accept in part	25.3
166.21	Aurum Survey Consultants	Accept in part	25.7
166.22	Aurum Survey Consultants	Accept	25.8
166.23	Aurum Survey Consultants	Accept in part	25.9
166.24	Aurum Survey Consultants	Accept in part	25.2
166.25	Aurum Survey Consultants	Reject	26.4
166.26	Aurum Survey Consultants	Reject	26.7
166.27	Aurum Survey Consultants	Accept in part	27.5
166.28	Aurum Survey Consultants	Accept in part	27.4
166.3	Aurum Survey Consultants	Reject	21
166.4	Aurum Survey Consultants	Accept in part	11
169.1	Tim Proctor	Accept in part	12.2
169.2	Tim Proctor	Accept in part	12.8
169.3	Tim Proctor	Accept in part	20
169.4	Tim Proctor	Accept in part	25
169.5	Tim Proctor	Accept in part	25.3
169.6	Tim Proctor	Reject	25.5
169.7	Tim Proctor	Accept in part	25.8
171.1	The Wanaka Community House Charitable Trust	Accept	13.8
171.2	The Wanaka Community House Charitable Trust	Accept in part	21
172.2	Peter Roberts	Reject	26.4
173.2	Gordon Girvan	Reject	General
177.3	Universal Developments Limited	Accept in part	13.13
180.1	Nigel Ker	Reject	General
182.1	Millennium & Copthorne Hotels New Zealand Limited	Accept in part	General
184.1	Bevan & Aderianne Campbell	Reject	32
184.2	Bevan & Aderianne Campbell	Reject	27.3
187.15	Nicholas Kiddle	Reject	27.3
187.7	Nicholas Kiddle	Reject	27.3
193.2	Diane Dever	Reject	32
199.12	Craig Douglas	Reject	13.3
199.13	Craig Douglas	Accept in part	13.4
199.14	Craig Douglas	Accept in part	13.5
199.15	Craig Douglas	Accept in part	13.6
199.18	Craig Douglas	Accept in part	31
199.19	Craig Douglas	Accept	General
202.1	Graham Dickson	Reject	25.5
202.2	Graham Dickson	Reject	25.6
206.1	Lindsay Jackson	Accept in part	12.2
206.2	Lindsay Jackson	Accept in part	12.14
206.3	Lindsay Jackson	Reject	25.7
206.4	Lindsay Jackson	Reject	25.6
206.5	Lindsay Jackson	Reject	25.3

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
208.10	Pounamu Body Corporate Committee	Accept in part	14.3
208.11	Pounamu Body Corporate Committee	Accept in part	22
208.12	Pounamu Body Corporate Committee	Accept in part	22
208.15	Pounamu Body Corporate Committee	Reject	27
208.16	Pounamu Body Corporate Committee	Reject	27.4
208.17	Pounamu Body Corporate Committee	Accept	27.5
208.18	Pounamu Body Corporate Committee	Reject	27.4
208.19	Pounamu Body Corporate Committee	Accept	27.4
208.2	Pounamu Body Corporate Committee	Accept in part	9
208.20	Pounamu Body Corporate Committee	Reject	27.4
208.21	Pounamu Body Corporate Committee	Reject	27.4
208.22	Pounamu Body Corporate Committee	Reject	General
208.23	Pounamu Body Corporate Committee	Reject	General
208.24	Pounamu Body Corporate Committee	Reject	General
208.25	Pounamu Body Corporate Committee	Reject	32
208.26	Pounamu Body Corporate Committee	Reject	32
208.27	Pounamu Body Corporate Committee	Accept in part	12.2
208.28	Pounamu Body Corporate Committee	Accept in part	25
208.3	Pounamu Body Corporate Committee	Reject	14.2
208.4	Pounamu Body Corporate Committee	Reject	14.1
208.44	Pounamu Body Corporate Committee	Reject	14
208.45	Pounamu Body Corporate Committee	Reject	14.2
208.46	Pounamu Body Corporate Committee	Accept in part	25.3
208.5	Pounamu Body Corporate Committee	Accept in part	14.2

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
208.6	Pounamu Body Corporate Committee	Accept in part	General
208.7	Pounamu Body Corporate Committee	Accept in part	14.3
208.8	Pounamu Body Corporate Committee	Accept in part	14.3
208.9	Pounamu Body Corporate Committee	Accept in part	14.3
217.18	Jay Berriman	Accept in part	23
223.2	Sam Gent	Reject	10
223.3	Sam Gent	Reject	19
223.4	Sam Gent	Reject	23
223.5	Sam Gent	Reject	28
230.1	Loris King	Accept in part	12
230.2	Loris King	Reject	20
230.3	Loris King	Accept in part	13
230.4	Loris King	Reject	21
230.7	Loris King	Accept in part	31
238.40	NZIA Southern and Architecture + Women Southern	Accept in part	8
238.41	NZIA Southern and Architecture + Women Southern	Reject	13.1
238.43	NZIA Southern and Architecture + Women Southern	Accept in part	13.3
238.44	NZIA Southern and Architecture + Women Southern	Accept in part	26.5
238.45	NZIA Southern and Architecture + Women Southern	Accept	26.6
238.46	NZIA Southern and Architecture + Women Southern	Accept in part	26.4
238.47	NZIA Southern and Architecture + Women Southern	Accept in part	7
238.48	NZIA Southern and Architecture + Women Southern	Reject	12.9
238.50	NZIA Southern and Architecture + Women Southern	Accept in part	20
238.51	NZIA Southern and Architecture + Women Southern	Reject	25.3
238.52	NZIA Southern and Architecture + Women Southern	Accept in part	20
238.53	NZIA Southern and Architecture + Women Southern	Accept in part	25.6
238.54	NZIA Southern and Architecture + Women Southern	Accept in part	25.7
238.55	NZIA Southern and Architecture + Women Southern	Accept in part	25.8
238.56	NZIA Southern and Architecture + Women Southern	Reject	25.9

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
238.57	NZIA Southern and Architecture + Women Southern	Accept in part	9
238.58	NZIA Southern and Architecture + Women Southern	Accept in part	14.2
238.59	NZIA Southern and Architecture + Women Southern	Accept in part	27.2
238.60	NZIA Southern and Architecture + Women Southern	Reject	27.4
238.61	NZIA Southern and Architecture + Women Southern	Accept in part	27.4
238.62	NZIA Southern and Architecture + Women Southern	Reject	27.3
238.63	NZIA Southern and Architecture + Women Southern	Reject	27.4
249.10	Willowridge Developments Limited	Reject	25.2
255.6	N.W. & C.E. BEGGS	Accept in part	13.6
255.7	N.W. & C.E. BEGGS	Accept in part	General
264.5	Philip Winstone	Accept in part	13.3
267.1	Mark Smith	Accept in part	General
268.1	Mark Kramer	Reject	26.4
268.2	Mark Kramer	Accept	26.4
268.3	Mark Kramer	Accept in part	26.5
268.4	Mark Kramer	Accept in part	13.6
269.6	David Barton	Accept in part	General
269.7	David Barton	Accept	12.13
269.8	David Barton	Accept in part	12.13
269.9	David Barton	Reject	12.13
271.11	Board of Airline Representatives of New Zealand (BARNZ)	Reject	20
271.12	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	25.4
271.13	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	25.4
271.14	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	25.5
273.3	The Full & Bye Trust	Reject	26.4
273.4	The Full & Bye Trust	Accept	26.4
273.5	The Full & Bye Trust	Accept	13.3
273.6	The Full & Bye Trust	Accept	13.7
275.5	Robertson Family Trust	Reject	22
275.6	Robertson Family Trust	Accept in part	22
276.2	Jane Hazlett	Accept	10
290.1	Christine Ryan	Accept	General
293.1	Murray Fraser	Accept in part	29.6
293.2	Murray Fraser	Reject	29.2
293.3	Murray Fraser	Accept in part	29.6
293.4	Murray Fraser	Accept	24
299.1	Permanent Wanaka resident 32yrs	Accept in part	29.6

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
300.4	Rob Jewell	Reject	8
300.6	Rob Jewell	Reject	General
300.7	Rob Jewell	Reject	General
300.8	Rob Jewell	Reject	9
300.9	Rob Jewell	Reject	26.4
309.1	John Harrington	Accept in part	General
311.1	Lyndsey Lindsay	Reject	General
311.2	Lyndsey Lindsay	Accept	General
322.1	Murray Stewart Blennerhassett	Accept in part	16.1
327.2	Lismore Estates Ltd	Accept in part	General
335.11	Nic Blennerhassett	Accept in part	General
335.12	Nic Blennerhassett	Accept in part	21
335.13	Nic Blennerhassett	Accept in part	26.6
335.16	Nic Blennerhassett	Accept in part	29.6
335.19	Nic Blennerhassett	Accept	29.3
335.20	Nic Blennerhassett	Accept	29.4
335.21	Nic Blennerhassett	Accept	29.2
335.22	Nic Blennerhassett	Reject	29.5
335.30	Nic Blennerhassett	Accept in part	29.6
335.6	Nic Blennerhassett	Accept in part	General
335.7	Nic Blennerhassett	Accept in part	12.13
336.3	Middleton Family Trust	Accept	25.5
354.3	Middleton Family Trust	Accept	25.5
358.1	Melissa Vining	Accept in part	20
358.2	Melissa Vining	Accept in part	25
362.1	Philip Thoreau	Accept	26.4
362.10	Philip Thoreau	Reject	26.4
362.2	Philip Thoreau	Reject	26.4
362.3	Philip Thoreau	Accept in part	13.7
362.4	Philip Thoreau	Reject	13.7
362.5	Philip Thoreau	Accept in part	13.3
362.6	Philip Thoreau	Accept in part	13.5
362.7	Philip Thoreau	Accept	13.3
362.8	Philip Thoreau	Reject	26.4
362.9	Philip Thoreau	Reject	26.4
363.2	Body Corp 27490	Reject	32
364.1	Body Corp 27490 9A,B,C and D York Street	Reject	32
366.1	Robins Road Limited	Accept in part	27.2
371.1	Camilla Stewart	Accept in part	12.2
372.1	Keith Stewart	Accept in part	12.2
374.1	Judith Stewart	Accept in part	12.2
378.23	Peninsula Village Limited and Wanaka Bay Limited (collectively referred to as "Peninsula Bay Joint Venture" (PBJV))	Accept in part	12.1
378.24	Peninsula Village Limited and Wanaka Bay Limited (collectively	Accept in part	12.11

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
	referred to as "Peninsula Bay Joint Venture" (PBJV))		
380.23	Villa delLago	Accept	7
380.24	Villa delLago	Accept	13.1
380.25	Villa delLago	Accept	13.2
380.26	Villa delLago	Reject	13.3
380.27	Villa delLago	Accept in part	13.4
380.28	Villa delLago	Accept in part	13.5
380.29	Villa delLago	Accept in part	13.6
380.30	Villa delLago	Accept	13.8
380.32	Villa delLago	Accept in part	13.10
380.34	Villa delLago	Accept	13.13
380.45	Villa delLago	Accept in part	14.1
380.46	Villa delLago	Reject	14.2
380.47	Villa delLago	Accept in part	14.3
380.48	Villa delLago	Accept in part	14.4
380.49	Villa delLago	Accept in Part	14.5
380.50	Villa delLago	Accept in Part	14.5
380.51	Villa delLago	Accept in Part	14.6
383.13	Queenstown Lakes District Council	Accept in part	12.3
383.15	Queenstown Lakes District Council	Accept in part	20
383.16	Queenstown Lakes District Council	Accept	20
383.17	Queenstown Lakes District Council	Accept	20
383.18	Queenstown Lakes District Council	Accept in part	20
383.19	Queenstown Lakes District Council	Accept in part	25
383.20	Queenstown Lakes District Council	Accept in part	25
383.21	Queenstown Lakes District Council	Accept in part	25
383.22	Queenstown Lakes District Council	Accept in part	13.4
383.23	Queenstown Lakes District Council	Accept in part	21
383.24	Queenstown Lakes District Council	Accept in part	21
383.25	Queenstown Lakes District Council	Accept	21
383.26	Queenstown Lakes District Council	Accept	21
383.27	Queenstown Lakes District Council	Reject	26.6
383.28	Queenstown Lakes District Council	Reject	11
383.29	Queenstown Lakes District Council	Accept	24
383.51	Queenstown Lakes District Council	Accept in part	14.3
383.52	Queenstown Lakes District Council	Reject	22
383.53	Queenstown Lakes District Council	Accept	22
383.54	Queenstown Lakes District Council	Accept	22
383.55	Queenstown Lakes District Council	Accept in part	22
383.56	Queenstown Lakes District Council	Accept in part	27.4
383.57	Queenstown Lakes District Council	Accept in part	27
383.58	Queenstown Lakes District Council	Reject	27
383.78	Queenstown Lakes District Council	Accept	23
389.14	Body Corporate 22362	Accept	25.8
389.15	Body Corporate 22362	Reject	25.7
389.2	Body Corporate 22362	Accept	7
389.3	Body Corporate 22362	Accept in part	12

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
389.4	Body Corporate 22362	Reject	25.3
389.6	Body Corporate 22362	Accept in part	8
391.1	Sean & Jane McLeod	Accept in part	General
391.17	Sean & Jane McLeod	Accept	General
391.2	Sean & Jane McLeod	Accept in part	12
391.4	Sean & Jane McLeod	Accept in part	25.3
391.5	Sean & Jane McLeod	Accept	25.8
391.6	Sean & Jane McLeod	Reject	25.7
391.8	Sean & Jane McLeod	Accept in part	13
391.9	Sean & Jane McLeod	Reject	21
392.1	Erna Spijkerbosch	Accept in part	9
392.2	Erna Spijkerbosch	Accept	14.1
392.3	Erna Spijkerbosch	Accept in part	14.2
392.4	Erna Spijkerbosch	Accept in Part	14.6
392.6	Erna Spijkerbosch	Accept	27
392.7	Erna Spijkerbosch	Accept in part	27.3
392.8	Erna Spijkerbosch	Reject	22
406.1	Graeme Morris Todd	Reject	20
408.10	Otago Foundation Trust Board	Accept in part	13.8
408.19	Otago Foundation Trust Board	Reject	21
408.21	Otago Foundation Trust Board	Reject	26.2
408.22	Otago Foundation Trust Board	Accept in part	26.3
408.25	Otago Foundation Trust Board	Reject	26.4
408.26	Otago Foundation Trust Board	Accept in part	31
408.7	Otago Foundation Trust Board	Accept in part	8
408.8	Otago Foundation Trust Board	Accept in part	13.7
408.9	Otago Foundation Trust Board	Accept	13.8
410.1	Alps Investment Limited	Accept in part	General
410.2	Alps Investment Limited	Accept	27.2
420.2	Lynn Campbell	Reject	General
420.3	Lynn Campbell	Reject	General
427.1	MR & SL Burnell Trust	Reject	20
433.51	Queenstown Airport Corporation	Accept in part	12.3
433.52	Queenstown Airport Corporation	Reject	12.8
433.53	Queenstown Airport Corporation	Accept in part	12.14
433.54	Queenstown Airport Corporation	Accept in part	12.14
433.55	Queenstown Airport Corporation	Reject	20
433.57	Queenstown Airport Corporation	Accept in part	25.4
433.58	Queenstown Airport Corporation	Accept in part	25.4
433.59	Queenstown Airport Corporation	Accept in part	25.5
433.60	Queenstown Airport Corporation	Reject	30
435.2	Catherine Fallon	Accept	25.5
435.3	Catherine Fallon	Accept in part	12.2
435.4	Catherine Fallon	Accept in part	12.1
435.5	Catherine Fallon	Accept in part	12.3
435.6	Catherine Fallon	Accept	12.10
435.7	Catherine Fallon	Accept	12.11
435.8	Catherine Fallon	Accept	General

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
438.10	New Zealand Fire Service	Reject	25.2
438.11	New Zealand Fire Service	Reject	13.8
438.12	New Zealand Fire Service	Reject	13.8
438.13	New Zealand Fire Service	Accept in part	21
438.14	New Zealand Fire Service	Accept in part	21
438.15	New Zealand Fire Service	Reject	26.2
438.16	New Zealand Fire Service	Reject	26.4
438.17	New Zealand Fire Service	Reject	14.4
438.18	New Zealand Fire Service	Accept in part	22
438.19	New Zealand Fire Service	Reject	27.2
438.20	New Zealand Fire Service	Reject	27.4
438.21	New Zealand Fire Service	Accept in part	23
438.22	New Zealand Fire Service	Reject	28
438.23	New Zealand Fire Service	Accept in part	24
438.24	New Zealand Fire Service	Reject	29.3
438.25	New Zealand Fire Service	Reject	29.2
438.4	New Zealand Fire Service	Reject	12.10
438.5	New Zealand Fire Service	Accept in part	12.11
438.6	New Zealand Fire Service	Accept in part	20
438.7	New Zealand Fire Service	Accept in part	20
438.8	New Zealand Fire Service	Reject	25.3
438.9	New Zealand Fire Service	Reject	25.3
448.1	Matt Suddaby	Accept in part	General
470.3	Queenstown Playcentre	Accept in part	General
485.1	Joanne Phelan and Brent Herdson	Accept in part	20
485.3	Joanne Phelan and Brent Herdson	Accept in part	12.14
485.4	Joanne Phelan and Brent Herdson	Accept in part	25.4
485.5	Joanne Phelan and Brent Herdson	Accept in part	25.4
501.1	Woodlot Properties Limited	Accept in part	General
501.2	Woodlot Properties Limited	Accept in part	25.5
503.3	DJ and EJ Cassells, The Bulling Family, The Bennett Family, M Lynch	Reject	26.4
503.5	DJ and EJ Cassells, The Bulling Family, The Bennett Family, M Lynch	Accept	31
505.11	JWA & DV Smith Trust	Accept in part	13.2
505.12	JWA & DV Smith Trust	Accept in part	13.4
505.13	JWA & DV Smith Trust	Accept in part	13.7
505.14	JWA & DV Smith Trust	Accept in part	13.7
505.15	JWA & DV Smith Trust	Accept in part	13.7
505.16	JWA & DV Smith Trust	Accept	13.7
505.17	JWA & DV Smith Trust	Reject	13.7
505.18	JWA & DV Smith Trust	Reject	13.7
505.21	JWA & DV Smith Trust	Accept in part	21
505.22	JWA & DV Smith Trust	Accept in part	21
505.23	JWA & DV Smith Trust	Accept in part	26.2
505.24	JWA & DV Smith Trust	Reject	26.4

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
506.3	Friends of the Wakatiou Gardens and Reserves Incorporated	Accept in part	26.4
506.4	Friends of the Wakatiou Gardens and Reserves Incorporated	Accept	31
506.6	Friends of the Wakatiou Gardens and Reserves Incorporated	Reject	General
506.7	Friends of the Wakatiou Gardens and Reserves Incorporated	Reject	General
506.8	Friends of the Wakatiou Gardens and Reserves Incorporated	Accept in part	General
510.10	Wayne L Blair	Accept in part	26.4
510.2	Wayne L Blair	Reject	13.5
510.3	Wayne L Blair	Reject	13.8
510.4	Wayne L Blair	Reject	13.10
510.6	Wayne L Blair	Reject	13
510.9	Wayne L Blair	Accept in part	26.4
511.10	Helen Blair	Accept in part	26.4
511.2	Helen Blair	Reject	13.5
511.3	Helen Blair	Reject	13.8
511.4	Helen Blair	Reject	13.10
511.6	Helen Blair	Reject	13
511.9	Helen Blair	Accept in part	26.4
512.1	The Estate of Norma Kreft	Accept in part	13.2
512.10	The Estate of Norma Kreft	Accept in part	26.4
512.11	The Estate of Norma Kreft	Reject	26.6
512.2	The Estate of Norma Kreft	Accept in part	13.7
512.3	The Estate of Norma Kreft	Accept in part	13.7
512.4	The Estate of Norma Kreft	Accept in part	21
512.5	The Estate of Norma Kreft	Accept in part	26.2
512.6	The Estate of Norma Kreft	Accept in part	26.4
512.7	The Estate of Norma Kreft	Accept in part	26.4
512.8	The Estate of Norma Kreft	Accept in part	26.4
512.9	The Estate of Norma Kreft	Accept in part	26.4
514.1	Duncan Fea	Accept in part	General
514.2	Duncan Fea	Accept in part	General
514.3	Duncan Fea	Accept in part	General
520.1	Fred van Brandenburg	Accept in part	14.3
520.2	Fred van Brandenburg	Accept in part	General
520.3	Fred van Brandenburg	Accept in part	General
521.1	Estate A P M Hodge	Accept in part	General
524.14	Ministry of Education	Accept in part	7
524.15	Ministry of Education	Accept in part	12.10
524.16	Ministry of Education	Accept in part	12.10
524.17	Ministry of Education	Accept in part	12.10
524.18	Ministry of Education	Accept in part	12.10
524.19	Ministry of Education	Reject	20
524.20	Ministry of Education	Reject	8
524.21	Ministry of Education	Accept in part	13.8

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
524.22	Ministry of Education	Accept in part	13.8
524.23	Ministry of Education	Accept in part	13.8
524.24	Ministry of Education	Accept in part	13.8
524.25	Ministry of Education	Reject	21
524.26	Ministry of Education	Reject	21
524.27	Ministry of Education	Accept in part	9
524.28	Ministry of Education	Accept in Part	14.4
524.29	Ministry of Education	Accept in Part	14.4
524.30	Ministry of Education	Reject	22
524.31	Ministry of Education	Accept in part	15.3
524.32	Ministry of Education	Accept in part	15.3
524.33	Ministry of Education	Reject	23
524.34	Ministry of Education	Reject	23
529.1	Lakes Edge Development Limited	Accept in part	27.2
529.2	Lakes Edge Development Limited	Accept in part	27.3
529.3	Lakes Edge Development Limited	Accept in part	27.3
536.1	Wanaka Trust	Accept in part	13.2
536.10	Wanaka Trust	Accept in part	26.4
536.11	Wanaka Trust	Reject	26.6
536.2	Wanaka Trust	Accept in part	13.7
536.3	Wanaka Trust	Accept in part	13.7
536.4	Wanaka Trust	Accept in part	21
536.5	Wanaka Trust	Accept in part	26.2
536.6	Wanaka Trust	Reject	26.4
536.7	Wanaka Trust	Accept in part	26.4
536.8	Wanaka Trust	Accept in part	26.4
536.9	Wanaka Trust	Accept in part	26.4
543.2	P J & G H Hensman & Southern Lakes Holdings Limited	Accept in part	25.6
551.1	Plaza Investments Limited	Accept in part	General
551.4	Plaza Investments Limited	Accept	27.4
555.1	Scott Freeman & Bravo Trustee Company Limited	Accept in part	12.14, 25.4
555.3	Scott Freeman & Bravo Trustee Company Limited	Accept in part	20
555.4	Scott Freeman & Bravo Trustee Company Limited	Accept in part	20
561.4	Three Beaches Limited	Reject	27.4
571.11	Totally Tourism Limited	Reject	20
571.14	Totally Tourism Limited	Reject	13.1
575.1	Antony & Ruth Stokes	Accept in part	General
575.3	Antony & Ruth Stokes	Reject	27.4
579.3	Gem Lake Limited	Accept in part	General
586.10	J D Familton and Sons Trust	Accept in part	13
586.11	J D Familton and Sons Trust	Reject	13.2
586.12	J D Familton and Sons Trust	Accept in part	21
586.13	J D Familton and Sons Trust	Accept in part	21
586.15	J D Familton and Sons Trust	Accept in part	26.4

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
586.16	J D Familton and Sons Trust	Accept in part	26.4
586.17	J D Familton and Sons Trust	Accept in part	26.4
586.18	J D Familton and Sons Trust	Accept in part	26.4
586.19	J D Familton and Sons Trust	Accept in part	26.4
586.20	J D Familton and Sons Trust	Accept in part	26.5
586.21	J D Familton and Sons Trust	Reject	26.6
586.22	J D Familton and Sons Trust	Accept in part	31
586.9	J D Familton and Sons Trust	Accept in part	13
591.5	Varina Propriety Limited	Reject	13
591.6	Varina Propriety Limited	Accept in part	26.4
604.1	Jackie Gillies & Associates	Reject	26.4
604.2	Jackie Gillies & Associates	Reject	26.6
612.1	Skyline Enterprises Limited	Accept in part	General
612.12	Skyline Enterprises Limited	Accept	27.4
612.2	Skyline Enterprises Limited	Accept in part	General
612.3	Skyline Enterprises Limited	Accept in part	22
612.5	Skyline Enterprises Limited	Accept in part	27.3
612.6	Skyline Enterprises Limited	Accept in part	27.4
612.7	Skyline Enterprises Limited	Accept in part	27.4
612.8	Skyline Enterprises Limited	Reject	32
612.9	Skyline Enterprises Limited	Accept in part	32
619.2	Satomi Holdings Limited	Accept in part	General
620.1	Ballantyne Investments Ltd	Accept in part	26.4
627.2	HW Holdings Ltd	Reject	General
628.2	reception@jea.co.nz	Reject	General
628.3	reception@jea.co.nz	Reject	22
648.3	Gillian Kay Crooks	Reject	26.2
648.4	Gillian Kay Crooks	Reject	26.4
649.1	Southern District Health Board	Reject	8
649.2	Southern District Health Board	Accept in part	13.5
651.4	David & Vivki Caesar	Reject	26.4
651.5	David & Vivki Caesar	Reject	26.4
655.6	Bridesdale Farm Developments Limited	Reject	General
657.1	Lorraine Cooper	Accept in part	26.4
665.1	Danmont Investments Queenstown Limited	Accept in part	27.2
665.2	Danmont Investments Queenstown Limited	Accept in part	27.4
665.3	Danmont Investments Queenstown Limited	Accept in part	27.4
665.4	Danmont Investments Queenstown Limited	Accept in part	27.4
668.1	Philip Thoreau	Accept in part	26.4
668.11	Philip Thoreau	Accept in part	General
668.2	Philip Thoreau	Reject	13.3
668.3	Philip Thoreau	Accept	13.7
668.4	Philip Thoreau	Reject	26.4

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
668.5	Philip Thoreau	Reject	26.4
668.6	Philip Thoreau	Reject	26.4
668.7	Philip Thoreau	Reject	26.4
668.8	Philip Thoreau	Accept in part	26.4
676.1	Philip & Jocelyn Sanford	Reject	26.4, 31
678.3	Southern District Health Board	Reject	20
681.2	Gerard Auckram	Accept in part	22
681.3	Gerard Auckram	Reject	27.3
681.4	Gerard Auckram	Accept in part	General
682.1	Joan Allison Garvan & Myles Cameron White as Trustees for DL & JA Garvan Family Trusts	Accept in part	General
686.2	Garth Makowski	Accept in part	General
686.3	Garth Makowski	Accept in part	General
687.2	Lynden Cleugh	Accept in part	16.1
699.10	Reddy Group Limited	Reject	13.1
699.11	Reddy Group Limited	Accept in part	13.1
699.12	Reddy Group Limited	Reject	13.1
699.13	Reddy Group Limited	Accept in part	13.2
699.14	Reddy Group Limited	Accept in part	13.2
699.15	Reddy Group Limited	Accept in part	13.2
699.16	Reddy Group Limited	Accept in part	13.2
699.17	Reddy Group Limited	Accept in part	13.2
699.18	Reddy Group Limited	Accept in part	13.2
699.19	Reddy Group Limited	Accept in part	13.2
699.20	Reddy Group Limited	Accept in part	13.2
699.21	Reddy Group Limited	Reject	13.3
699.22	Reddy Group Limited	Reject	13.3
699.23	Reddy Group Limited	Reject	13.3
699.24	Reddy Group Limited	Reject	13.3
699.25	Reddy Group Limited	Accept in part	13.4
699.26	Reddy Group Limited	Accept in part	13.4
699.27	Reddy Group Limited	Accept in part	13.4
699.28	Reddy Group Limited	Accept in part	13.4
699.29	Reddy Group Limited	Accept in part	13.5
699.30	Reddy Group Limited	Accept in part	13.5
699.31	Reddy Group Limited	Accept in part	13.5
699.32	Reddy Group Limited	Accept in part	13.5
699.33	Reddy Group Limited	Accept in part	13.5
699.34	Reddy Group Limited	Accept in part	13.7
699.35	Reddy Group Limited	Accept in part	13.7
699.36	Reddy Group Limited	Accept in part	13.7
699.37	Reddy Group Limited	Accept in part	13.7
699.38	Reddy Group Limited	Reject	13.7
699.39	Reddy Group Limited	Accept in part	13.7
699.40	Reddy Group Limited	Accept in part	21
699.41	Reddy Group Limited	Accept in part	21
699.42	Reddy Group Limited	Accept in part	21

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
699.43	Reddy Group Limited	Accept in part	26.2
699.44	Reddy Group Limited	Accept in part	26.4
699.45	Reddy Group Limited	Accept in part	26.4
699.46	Reddy Group Limited	Accept in part	26.4
699.47	Reddy Group Limited	Accept in part	26.4
699.48	Reddy Group Limited	Accept in part	26.4
699.49	Reddy Group Limited	Accept in part	26.5
699.50	Reddy Group Limited	Accept in part	26.5
699.51	Reddy Group Limited	Reject	26.6
699.52	Reddy Group Limited	Accept	26.7
699.6	Reddy Group Limited	Accept in part	8
699.7	Reddy Group Limited	Accept in part	13.1
699.8	Reddy Group Limited	Accept in part	13.1
699.9	Reddy Group Limited	Accept in part	13.1
717.11	The Jandel Trust	Accept in part	13.13
717.12	The Jandel Trust	Reject	13.13
717.13	The Jandel Trust	Reject	21
717.16	The Jandel Trust	Accept in part	26.4
717.17	The Jandel Trust	Accept	26.6
717.23	The Jandel Trust	Accept in part	13.10
717.3	The Jandel Trust	Accept in part	8
717.4	The Jandel Trust	Accept in part	13.1
717.5	The Jandel Trust	Reject	13.1
717.6	The Jandel Trust	Accept	13.2
717.7	The Jandel Trust	Reject	13.4
717.8	The Jandel Trust	Reject	13.10
718.3	Allium Trustees Limited	Accept in part	General
719.31	NZ Transport Agency	Accept in part	12.1
719.32	NZ Transport Agency	Accept in part	12.11
719.33	NZ Transport Agency	Accept in part	12.11
719.34	NZ Transport Agency	Accept in part	12.14
719.35	NZ Transport Agency	Reject	12.14
719.37	NZ Transport Agency	Accept in part	25.7
719.39	NZ Transport Agency	Accept in part	30
719.40	NZ Transport Agency	Accept in part	13.5
719.41	NZ Transport Agency	Accept in part	13.7
719.42	NZ Transport Agency	Accept in part	13.7
719.43	NZ Transport Agency	Accept in part	13.7
719.51	NZ Transport Agency	Accept in part	13.13
719.52	NZ Transport Agency	Accept in part	13.13
719.53	NZ Transport Agency	Accept in part	21
719.55	NZ Transport Agency	Reject	21
719.57	NZ Transport Agency	Accept in part	26.3
719.62	NZ Transport Agency	Accept	26.4
719.64	NZ Transport Agency	Accept in Part	14.6
719.65	NZ Transport Agency	Accept in part	14.6
719.66	NZ Transport Agency	Accept in part	14.6
719.67	NZ Transport Agency	Accept in part	14

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
719.68	NZ Transport Agency	Accept in part	14
719.69	NZ Transport Agency	Reject	22
719.70	NZ Transport Agency	Reject	22
719.73	NZ Transport Agency	Accept	27.4
719.74	NZ Transport Agency	Accept in part	27
719.75	NZ Transport Agency	Accept in part	32
719.76	NZ Transport Agency	Reject	16
719.77	NZ Transport Agency	Reject	29
719.78	NZ Transport Agency	Reject	29.2
722.2	Firestone Investments Limited	Accept	27.2
725.2	Ian Percy & Fiona Aitken Family Trust	Reject	25.7
727.2	Belfast Corporation Limited	Accept in part	26.4
727.3	Belfast Corporation Limited	Accept in part	General
731.2	Mulwood Investments Limited	Accept in part	26.4
731.3	Mulwood Investments Limited	Accept in part	General
751.8	Hansen Family Partnership	Accept in part	General
752.10	Michael Farrier	Reject	23
752.11	Michael Farrier	Reject	23
752.3	Michael Farrier	Reject	25.5
752.8	Michael Farrier	Reject	General
752.9	Michael Farrier	Reject	23
773.12	John & Jill Blennerhassett	Accept in part	13.3
773.14	John & Jill Blennerhassett	Accept in part	13.5
773.15	John & Jill Blennerhassett	Accept in part	13.5
775.10	H R & D A Familton	Accept in part	13
775.11	H R & D A Familton	Reject	13.2
775.12	H R & D A Familton	Accept in part	21
775.13	H R & D A Familton	Accept in part	21
775.15	H R & D A Familton	Accept in part	26.4
775.16	H R & D A Familton	Accept in part	26.4
775.17	H R & D A Familton	Accept in part	26.4
775.18	H R & D A Familton	Accept in part	26.4
775.19	H R & D A Familton	Accept in part	26.4
775.20	H R & D A Familton	Accept in part	26.5
775.21	H R & D A Familton	Reject	26.6
775.22	H R & D A Familton	Accept in part	31
775.9	H R & D A Familton	Accept in part	13
785.1	A & K Zaki	Accept in part	General
792.10	Patricia Swale	Reject	13.10
792.12	Patricia Swale	Reject	21
792.13	Patricia Swale	Reject	13.10
792.14	Patricia Swale	Reject	21
792.15	Patricia Swale	Reject	21
792.16	Patricia Swale	Accept	21
792.18	Patricia Swale	Reject	26.2
792.19	Patricia Swale	Reject	26.4
792.2	Patricia Swale	Reject	13.1

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
792.20	Patricia Swale	Reject	26.4
792.21	Patricia Swale	Reject	26.4
792.22	Patricia Swale	Accept	31
792.23	Patricia Swale	Accept in part	31
792.3	Patricia Swale	Reject	13.2
792.4	Patricia Swale	Reject	13.2
792.5	Patricia Swale	Reject	13.7
792.6	Patricia Swale	Accept	13.7
792.7	Patricia Swale	Reject	13.8
798.29	Otago Regional Council	Reject	12
798.31	Otago Regional Council	Accept in part	13.7
798.32	Otago Regional Council	N/A - transport submission	14.6
803.10	H R Familton	Accept in part	13
803.11	H R Familton	Reject	13.2
803.12	H R Familton	Accept in part	21
803.13	H R Familton	Accept in part	21
803.15	H R Familton	Accept in part	26.4
803.16	H R Familton	Accept in part	26.4
803.17	H R Familton	Accept in part	26.4
803.18	H R Familton	Accept in part	26.4
803.19	H R Familton	Accept in part	26.4
803.20	H R Familton	Accept in part	26.5
803.21	H R Familton	Reject	26.6
803.22	H R Familton	Accept in part	31
803.9	H R Familton	Accept in part	13
805.46	Transpower New Zealand Limited	Reject	12.11
805.47	Transpower New Zealand Limited	Reject	18.1
805.48	Transpower New Zealand Limited	Reject	13.5
805.49	Transpower New Zealand Limited	Reject	13.7
805.50	Transpower New Zealand Limited	Reject	19
805.51	Transpower New Zealand Limited	Accept in Part	14.6
805.52	Transpower New Zealand Limited	Reject	19
810.32	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua	Reject	26.7
810.33	Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua	Reject	29.2
812.1	Land & Infrastructure Management Limited	Accept in part	29.6
812.2	Land & Infrastructure Management Limited	Reject	29.2
834.2	Helen McPhail	Accept in part	20
836.24	Arcadian Triangle Limited	Accept in part	30
842.5	Scott Crawford	Reject	26

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
846.1	Philippe & Jean Berton & Foster	Reject	27.3
846.2	Philippe & Jean Berton & Foster	Reject	32
847.1	FII Holdings Limited	Accept in part	8
847.10	FII Holdings Limited	Accept in part	13.13
847.11	FII Holdings Limited	Reject	13.13
847.12	FII Holdings Limited	Reject	21
847.15	FII Holdings Limited	Accept in part	26.4
847.16	FII Holdings Limited	Reject	26.6
847.2	FII Holdings Limited	Accept in part	13.1
847.3	FII Holdings Limited	Reject	13.1
847.4	FII Holdings Limited	Accept	13.2
847.5	FII Holdings Limited	Reject	13.2
847.6	FII Holdings Limited	Accept in part	13.10
847.7	FII Holdings Limited	Reject	13.10

Part B: Further Submissions

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1012.3	9.1	Willowridge Developments Limited	Accept	25.5
FS1013.5	725.2	Orchard Road Holdings Limited	Accept	25.7
FS1029.10	717.4	Universal Developments Limited	Accept in part	13.1
FS1029.11	717.5	Universal Developments Limited	Accept in part	13.1
FS1029.12	717.6	Universal Developments Limited	Reject	13.2
FS1029.13	717.7	Universal Developments Limited	Accept in part	13.4
FS1029.14	717.8	Universal Developments Limited	Accept in part	13.10
FS1029.17	717.11	Universal Developments Limited	Reject	13.13
FS1029.18	717.12	Universal Developments Limited	Accept in part	13.13
FS1029.19	717.13	Universal Developments Limited	Reject	21
FS1029.22	717.16	Universal Developments Limited	Accept in part	26.4
FS1029.23	717.17	Universal Developments Limited	Reject	26.6
FS1029.29	717.23	Universal Developments Limited	Accept in part	13.10
FS1029.30	847.11	Universal Developments Limited	Accept	13.13
FS1029.9	717.3	Universal Developments Limited	Accept in part	8

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1038.1	110.8	Seven Albert Town Property Owners . See Table in Attachments	Accept in part	25.2
FS1049.23	378.23	LAC Property Trustees Limited	Reject	12.1
FS1049.24	378.24	LAC Property Trustees Limited	Reject	12.11
FS1059.1	7.3	Erna Spijkerbosch	Accept in part	32
FS1059.10	64.2	Erna Spijkerbosch	Accept in part	32
FS1059.11	86.6	Erna Spijkerbosch	Accept in part	9
FS1059.16	110.6	Erna Spijkerbosch	Accept	25.3
FS1059.17	110.8	Erna Spijkerbosch	Accept in part	25.2
FS1059.18	166.16	Erna Spijkerbosch	Reject	32
FS1059.19	187.7	Erna Spijkerbosch	Accept in part	27.3
FS1059.20	193.2	Erna Spijkerbosch	Accept in part	32
FS1059.22	380.45	Erna Spijkerbosch	Accept in part	14.1
FS1059.23	364.1	Erna Spijkerbosch	Accept in part	32
FS1059.24	380.46	Erna Spijkerbosch	Reject	14.2
FS1059.25	380.51	Erna Spijkerbosch	Accept in Part	14.6
FS1059.26	383.22	Erna Spijkerbosch	Accept in part	13.4
FS1059.27	383.24	Erna Spijkerbosch	Accept in part	21
FS1059.28	383.27	Erna Spijkerbosch	Reject	26
FS1059.29	383.51	Erna Spijkerbosch	Accept in part	14.3
FS1059.3	20.2	Erna Spijkerbosch	Accept in part	General
FS1059.30	383.55	Erna Spijkerbosch	Accept in part	22
FS1059.31	383.56	Erna Spijkerbosch	Accept in part	27.4
FS1059.32	392.1	Erna Spijkerbosch	Accept in part	9
FS1059.33	392.1	Erna Spijkerbosch	Accept in part	9
FS1059.34	392.2	Erna Spijkerbosch	Accept	14.1
FS1059.35	392.3	Erna Spijkerbosch	Accept in part	14.2
FS1059.36	392.4	Erna Spijkerbosch	Accept in Part	14.6
FS1059.38	392.6	Erna Spijkerbosch	Accept	27
FS1059.39	392.7	Erna Spijkerbosch	Accept in part	27.3
FS1059.40	392.8	Erna Spijkerbosch	Reject	22
FS1059.58	187.15	Erna Spijkerbosch	Accept in part	27.3
FS1059.65	208.3	Erna Spijkerbosch	Reject	14.2
FS1059.66	208.4	Erna Spijkerbosch	Reject	14.1
FS1059.67	208.5	Erna Spijkerbosch	Accept in part	14.2
FS1059.74	410.2	Erna Spijkerbosch	Reject	27.2
FS1059.95	159.5	Erna Spijkerbosch	Accept	27.2
FS1059.96	159.14	Erna Spijkerbosch	Accept in part	32
FS1061.27	290.1	Otago Foundation Trust Board	Accept	General
FS1061.28	335.11	Otago Foundation Trust Board	Accept in part	General
FS1061.31	514.2	Otago Foundation Trust Board	Accept in part	General
FS1061.39	524.20	Otago Foundation Trust Board	Reject	8
FS1061.4	230.3	Otago Foundation Trust Board	Accept in part	13
FS1061.40	524.25	Otago Foundation Trust Board	Reject	21
FS1061.43	847.3	Otago Foundation Trust Board	Reject	13.1
FS1061.44	847.4	Otago Foundation Trust Board	Accept	13.2

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1061.45	847.5	Otago Foundation Trust Board	Reject	13.2
FS1061.46	847.6	Otago Foundation Trust Board	Accept in part	13.10
FS1061.47	847.11	Otago Foundation Trust Board	Reject	13.13
FS1061.49	230.7	Otago Foundation Trust Board	Accept in part	31
FS1061.5	230.4	Otago Foundation Trust Board	Accept	21
FS1061.50	383.22	Otago Foundation Trust Board	Reject	13.4
FS1061.51	166.3	Otago Foundation Trust Board	Reject	21
FS1061.58	719.51	Otago Foundation Trust Board	Reject	13.13
FS1061.59	719.57	Otago Foundation Trust Board	Accept in part	26.3
FS1061.68	238.40	Otago Foundation Trust Board	Accept in part	8
FS1061.69	238.41	Otago Foundation Trust Board	Accept	13.1
FS1061.8	177.3	Otago Foundation Trust Board	Accept in part	13.13
FS1063.1	182.1	Peter Fleming and Others	Accept in part	General
FS1063.12	506.3	Peter Fleming and Others	Accept in part	26.4
FS1063.13	506.4	Peter Fleming and Others	Accept	31
FS1063.15	506.6	Peter Fleming and Others	Reject	General
FS1063.16	506.7	Peter Fleming and Others	Reject	General
FS1063.17	506.8	Peter Fleming and Others	Reject	General
FS1063.46	206.1	Peter Fleming and Others	Accept in part	12.2
FS1063.47	206.2	Peter Fleming and Others	Accept in part	12.14
FS1063.48	206.3	Peter Fleming and Others	Reject	25.7
FS1063.49	206.4	Peter Fleming and Others	Reject	25.6
FS1063.50	206.5	Peter Fleming and Others	Reject	25.3
FS1063.6	503.3	Peter Fleming and Others	Reject	26.4
FS1063.8	503.5	Peter Fleming and Others	Accept	31
FS1063.9	657.1	Peter Fleming and Others	Accept in part	26.4
FS1064.6	655.6	Martin MacDonald	Accept in part	General
FS1071.7	655.6	Lake Hayes Estate Community Association	Accept in part	General
FS1077.1	24.5	Board of Airline Representatives of New Zealand (BARNZ)	Reject	20
FS1077.10	141.4	Board of Airline Representatives of New Zealand (BARNZ)	Reject	20
FS1077.12	383.15	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	20
FS1077.13	383.20	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	25
FS1077.2	35.1	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	20
FS1077.3	36.1	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	20

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1077.33	433.51	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	12.3
FS1077.34	433.52	Board of Airline Representatives of New Zealand (BARNZ)	Reject	12.8
FS1077.35	433.53	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	12.14
FS1077.36	433.54	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	12.14
FS1077.37	433.55	Board of Airline Representatives of New Zealand (BARNZ)	Reject	20
FS1077.39	433.59	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	25.5
FS1077.4	43.1	Board of Airline Representatives of New Zealand (BARNZ)	Accept in part	20
FS1077.40	433.60	Board of Airline Representatives of New Zealand (BARNZ)	Reject	30
FS1077.51	485.1	Board of Airline Representatives of New Zealand (BARNZ)	Reject	20
FS1077.52	555.3	Board of Airline Representatives of New Zealand (BARNZ)	Reject	20
FS1077.73	834.2	Board of Airline Representatives of New Zealand (BARNZ)	Reject	20
FS1092.1	177.3	NZ Transport Agency	Accept in part	13.13
FS1095.23	378.23	Nick Brasington	Reject	12.1
FS1095.24	378.24	Nick Brasington	Reject	12.11
FS1097.114	271.11	Queenstown Park Limited	Accept in part	20
FS1097.115	271.12	Queenstown Park Limited	Accept in part	25.4
FS1097.116	271.13	Queenstown Park Limited	Accept in part	25.4
FS1097.117	271.14	Queenstown Park Limited	Accept in part	25.5
FS1097.337	433.51	Queenstown Park Limited	Accept in part	12.3
FS1097.338	433.52	Queenstown Park Limited	Accept in part	12.8
FS1097.339	433.53	Queenstown Park Limited	Accept in part	12.14
FS1097.340	433.54	Queenstown Park Limited	Accept in part	12.14
FS1097.341	433.55	Queenstown Park Limited	Accept in part	20
FS1097.343	433.57	Queenstown Park Limited	Accept in part	25.4
FS1097.344	433.58	Queenstown Park Limited	Accept in part	25.4
FS1097.345	433.59	Queenstown Park Limited	Accept in part	25.5
FS1097.346	433.60	Queenstown Park Limited	Accept in part	30
FS1107.45	238.40	Man Street Properties Ltd	Accept in part	8

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1107.46	238.41	Man Street Properties Ltd	Accept	13.1
FS1107.48	238.43	Man Street Properties Ltd	Accept in part	13.3
FS1107.49	238.44	Man Street Properties Ltd	Accept in part	26.5
FS1107.50	238.45	Man Street Properties Ltd	Reject	26.6
FS1107.51	238.46	Man Street Properties Ltd	Accept in part	26.4
FS1107.52	238.47	Man Street Properties Ltd	Accept in part	7
FS1107.53	238.48	Man Street Properties Ltd	Accept	12.9
FS1107.55	238.50	Man Street Properties Ltd	Accept in part	20
FS1107.56	238.51	Man Street Properties Ltd	Accept	25.3
FS1107.57	238.52	Man Street Properties Ltd	Accept in part	20
FS1107.58	238.53	Man Street Properties Ltd	Accept in part	25.6
FS1107.59	238.54	Man Street Properties Ltd	Accept in part	25.7
FS1107.60	238.55	Man Street Properties Ltd	Accept in part	25.8
FS1107.61	238.56	Man Street Properties Ltd	Accept	25.9
FS1107.62	238.57	Man Street Properties Ltd	Accept in part	9
FS1107.63	238.58	Man Street Properties Ltd	Accept	14.2
FS1107.64	238.59	Man Street Properties Ltd	Accept in part	27.2
FS1107.65	238.60	Man Street Properties Ltd	Accept	27.4
FS1107.66	238.61	Man Street Properties Ltd	Accept in part	27.4
FS1107.67	238.62	Man Street Properties Ltd	Accept	27.3
FS1107.68	238.63	Man Street Properties Ltd	Accept	27.4
FS1110.1	166.4	John Coe	Accept in part	11
FS1110.2	293.3	John Coe	Accept in part	29.6
FS1110.3	322.1	John Coe	Accept in part	16.1
FS1110.5	812.1	John Coe	Accept in part	29.6
FS1110.6	383.28	John Coe	Accept in part	11
FS1111.1	812.1	Colin Mantel	Accept in part	29.6
FS1111.2	687.2	Colin Mantel	Accept in part	16.1
FS1111.4	293.3	Colin Mantel	Accept in part	29.6
FS1111.5	166.4	Colin Mantel	Accept in part	11
FS1111.6	166.10	Colin Mantel	Accept in part	29.6
FS1117.100	433.51	Remarkables Park Limited	Accept in part	12.3
FS1117.101	433.52	Remarkables Park Limited	Accept in part	12.8
FS1117.102	433.53	Remarkables Park Limited	Accept in part	12.14
FS1117.103	433.54	Remarkables Park Limited	Accept in part	12.14
FS1117.104	433.55	Remarkables Park Limited	Accept in part	20
FS1117.106	433.57	Remarkables Park Limited	Accept in part	25.4
FS1117.107	433.58	Remarkables Park Limited	Accept in part	25.4
FS1117.108	433.59	Remarkables Park Limited	Accept in part	25.5
FS1117.109	433.60	Remarkables Park Limited	Accept in part	30
FS1117.31	271.11	Remarkables Park Limited	Accept in part	20
FS1117.32	271.12	Remarkables Park Limited	Accept in part	25.4
FS1117.33	271.13	Remarkables Park Limited	Accept in part	25.4
FS1117.34	271.14	Remarkables Park Limited	Accept in part	25.5
FS1125.10	206.5	New Zealand Fire Service	Accept	25.3
FS1125.11	648.3	New Zealand Fire Service	Accept in part	26.2
FS1125.12	230.3	New Zealand Fire Service	Accept in part	13

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1125.21	512.3	New Zealand Fire Service	Accept in part	13.7
FS1125.3	438.14	New Zealand Fire Service	Reject	21
FS1125.4	524.30	New Zealand Fire Service	Reject	22
FS1125.5	524.20	New Zealand Fire Service	Reject	8
FS1125.7	58.1	New Zealand Fire Service	Accept	26.2
FS1126.1	166.4	Anna Mills	Accept in part	11
FS1126.2	293.3	Anna Mills	Accept in part	29.6
FS1126.3	322.1	Anna Mills	Accept in part	16.1
FS1126.5	812.1	Anna Mills	Accept in part	29.6
FS1126.6	383.28	Anna Mills	Accept in part	11
FS1140.1	166.4	Jo Mills	Accept in part	11
FS1140.2	293.3	Jo Mills	Accept in part	29.6
FS1140.3	322.1	Jo Mills	Accept in part	16.1
FS1140.5	812.1	Jo Mills	Accept in part	29.6
FS1140.6	383.28	Jo Mills	Accept in part	11
FS1148.1	64.1	Pounamu Body Corporate Committee	Reject	27.3
FS1148.10	383.52	Pounamu Body Corporate Committee	Reject	22
FS1148.11	383.55	Pounamu Body Corporate Committee	Accept in part	22
FS1148.12	383.57	Pounamu Body Corporate Committee	Accept in part	27
FS1148.13	383.58	Pounamu Body Corporate Committee	Reject	27
FS1148.14	551.4	Pounamu Body Corporate Committee	Reject	27.4
FS1148.16	575.3	Pounamu Body Corporate Committee	Accept	27.4
FS1148.17	612.12	Pounamu Body Corporate Committee	Reject	27.4
FS1148.19	628.3	Pounamu Body Corporate Committee	Accept	22
FS1148.2	64.2	Pounamu Body Corporate Committee	Reject	32
FS1148.20	722.2	Pounamu Body Corporate Committee	Reject	27.2
FS1148.4	184.2	Pounamu Body Corporate Committee	Reject	27.3
FS1148.5	184.1	Pounamu Body Corporate Committee	Reject	32
FS1148.6	187.7	Pounamu Body Corporate Committee	Accept	27.3
FS1148.7	187.15	Pounamu Body Corporate Committee	Accept	27.3
FS1148.8	238.63	Pounamu Body Corporate Committee	Reject	27.4
FS1148.9	383.51	Pounamu Body Corporate Committee	Accept in part	14.3
FS1167.10	408.7	Peter and Margaret Arnott	Accept in part	8

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1167.11	408.8	Peter and Margaret Arnott	Accept in part	13.7
FS1167.12	408.9	Peter and Margaret Arnott	Reject	13.8
FS1167.13	408.10	Peter and Margaret Arnott	Reject	13.8
FS1167.22	408.19	Peter and Margaret Arnott	Reject	21
FS1167.24	408.21	Peter and Margaret Arnott	Reject	26.2
FS1167.28	408.25	Peter and Margaret Arnott	Accept in part	26.4
FS1167.29	408.26	Peter and Margaret Arnott	Accept in part	31
FS1172.1	536.5	Reddy Group Limited	Accept in part	26.2
FS1172.2	536.6	Reddy Group Limited	Reject	26.4
FS1172.3	536.8	Reddy Group Limited	Accept in part	26.4
FS1172.4	536.9	Reddy Group Limited	Accept in part	26.4
FS1172.5	536.10	Reddy Group Limited	Accept in part	26.4
FS1172.6	536.11	Reddy Group Limited	Reject	26.6
FS1189.10	177.3	FII Holdings Ltd	Accept in part	13.13
FS1195.9	177.3	The Jandel Trust	Accept in part	13.13
FS1198.1	166.4	Myffie James	Accept in part	11
FS1198.2	293.3	Myffie James	Accept in part	29.6
FS1198.3	322.1	Myffie James	Accept in part	16.1
FS1198.5	812.1	Myffie James	Accept in part	29.6
FS1198.6	383.28	Myffie James	Accept in part	11
FS1202.1	166.21	Nathan Shearing	Accept in part	25.7
FS1207.1	166.4	Bridget Mary Rennie	Accept in part	11
FS1207.2	293.3	Bridget Mary Rennie	Accept in part	29.6
FS1207.3	322.1	Bridget Mary Rennie	Accept in part	16.1
FS1207.5	687.2	Bridget Mary Rennie	Accept in part	16.1
FS1207.6	812.1	Bridget Mary Rennie	Accept in part	29.6
FS1211.28	805.46	New Zealand Defence Force	Reject	12.11
FS1215.2	383.19	Goldridge Resort Limited	Accept in part	25
FS1223.1	383.19	Manor Holdings Limited & Body Corporate	Accept in part	25
FS1226.45	238.40	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	8
FS1226.46	238.41	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	13.1
FS1226.48	238.43	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	13.3
FS1226.49	238.44	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	26.5
FS1226.50	238.45	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Reject	26.6
FS1226.51	238.46	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	26.4

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1226.52	238.47	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	7
FS1226.53	238.48	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	12.9
FS1226.55	238.50	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	20
FS1226.56	238.51	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	25.3
FS1226.57	238.52	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	20
FS1226.58	238.53	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	25.6
FS1226.59	238.54	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	25.7
FS1226.60	238.55	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	25.8
FS1226.61	238.56	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	25.9
FS1226.62	238.57	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	9
FS1226.63	238.58	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	14.2
FS1226.64	238.59	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	27.2
FS1226.65	238.60	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	27.4
FS1226.66	238.61	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept in part	27.4
FS1226.67	238.62	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	27.3
FS1226.68	238.63	Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited	Accept	27.4
FS1231.1	68.3	Plaza Investments Limited	Accept	27.2
FS1231.10	238.62	Plaza Investments Limited	Accept	27.3
FS1231.2	68.4	Plaza Investments Limited	Accept	27.3
FS1231.3	68.5	Plaza Investments Limited	Accept in part	27.3

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1231.4	208.2	Plaza Investments Limited	Accept in part	9
FS1231.5	208.4	Plaza Investments Limited	Accept	14.1
FS1231.6	208.5	Plaza Investments Limited	Accept in part	14.2
FS1231.7	208.6	Plaza Investments Limited	Accept in part	General
FS1231.8	208.8	Plaza Investments Limited	Accept in part	14.3
FS1231.9	208.15	Plaza Investments Limited	Accept	27
FS1234.45	238.40	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	8
FS1234.46	238.41	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	13.1
FS1234.48	238.43	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	13.3
FS1234.49	238.44	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	26.5
FS1234.50	238.45	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Reject	26.6
FS1234.51	238.46	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	26.4
FS1234.52	238.47	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	7
FS1234.53	238.48	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	12.9
FS1234.55	238.50	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	20
FS1234.56	238.51	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	25.3
FS1234.57	238.52	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	20
FS1234.58	238.53	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	25.6
FS1234.59	238.54	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	25.7
FS1234.60	238.55	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	25.8
FS1234.61	238.56	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	25.9

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1234.62	238.57	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	9
FS1234.63	238.58	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	14.2
FS1234.64	238.59	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	27.2
FS1234.65	238.60	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	27.4
FS1234.66	238.61	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept in part	27.4
FS1234.67	238.62	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	27.3
FS1234.68	238.63	Shotover Memorial Properties Limited & Horne Water Holdings Limited	Accept	27.4
FS1239.45	238.40	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	8
FS1239.46	238.41	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	13.1
FS1239.48	238.43	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	13.3
FS1239.49	238.44	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	26.5
FS1239.50	238.45	Skyline Enterprises Limited & O'Connells Pavillion Limited	Reject	26.6
FS1239.51	238.46	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	26.4
FS1239.52	238.47	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	7
FS1239.53	238.48	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	12.9
FS1239.55	238.50	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	20
FS1239.56	238.51	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	25.3
FS1239.57	238.52	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	20
FS1239.58	238.53	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	25.6
FS1239.59	238.54	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	25.7
FS1239.60	238.55	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	25.8
FS1239.61	238.56	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	25.9

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1239.62	238.57	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	9
FS1239.63	238.58	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	14.2
FS1239.64	238.59	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	27.2
FS1239.65	238.60	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	27.4
FS1239.66	238.61	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept in part	27.4
FS1239.67	238.62	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	27.3
FS1239.68	238.63	Skyline Enterprises Limited & O'Connells Pavillion Limited	Accept	27.4
FS1241.45	238.40	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	8
FS1241.46	238.41	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	13.1
FS1241.48	238.43	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	13.3
FS1241.49	238.44	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	26.5
FS1241.50	238.45	Skyline Enterprises Limited & Accommodation and Booking Agents	Reject	26.6
FS1241.51	238.46	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	26.4
FS1241.52	238.47	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	7
FS1241.53	238.48	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	12.9
FS1241.55	238.50	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	20
FS1241.56	238.51	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	25.3
FS1241.57	238.52	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	20
FS1241.58	238.53	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	25.6

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1241.59	238.54	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	25.7
FS1241.60	238.55	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	25.8
FS1241.61	238.56	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	25.9
FS1241.62	238.57	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	9
FS1241.63	238.58	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	14.2
FS1241.64	238.59	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	27.2
FS1241.65	238.60	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	27.4
FS1241.66	238.61	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept in part	27.4
FS1241.67	238.62	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	27.3
FS1241.68	238.63	Skyline Enterprises Limited & Accommodation and Booking Agents	Accept	27.4
FS1242.10	208.9	Antony & Ruth Stokes	Accept in part	14.3
FS1242.11	208.10	Antony & Ruth Stokes	Accept in part	14.3
FS1242.12	208.11	Antony & Ruth Stokes	Accept in part	22
FS1242.13	208.12	Antony & Ruth Stokes	Accept in part	22
FS1242.16	208.15	Antony & Ruth Stokes	Accept in part	27
FS1242.17	208.16	Antony & Ruth Stokes	Accept in part	27.4
FS1242.18	208.17	Antony & Ruth Stokes	Reject	27.5
FS1242.19	208.18	Antony & Ruth Stokes	Accept in part	27.4
FS1242.20	208.19	Antony & Ruth Stokes	Accept in part	27.4
FS1242.21	208.20	Antony & Ruth Stokes	Accept in part	27.4
FS1242.22	208.21	Antony & Ruth Stokes	Accept	27.4
FS1242.23	208.22	Antony & Ruth Stokes	Accept	General
FS1242.24	208.23	Antony & Ruth Stokes	Accept	General
FS1242.25	208.24	Antony & Ruth Stokes	Accept	General
FS1242.26	208.25	Antony & Ruth Stokes	Accept in part	32
FS1242.27	208.26	Antony & Ruth Stokes	Accept in part	32
FS1242.3	208.2	Antony & Ruth Stokes	Accept in part	9
FS1242.4	208.3	Antony & Ruth Stokes	Accept	14.2
FS1242.5	208.4	Antony & Ruth Stokes	Accept	14.1
FS1242.6	208.5	Antony & Ruth Stokes	Accept in part	14.2

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1242.7	208.6	Antony & Ruth Stokes	Accept in part	General
FS1242.72	238.44	Antony & Ruth Stokes	Accept in part	26.5
FS1242.73	238.45	Antony & Ruth Stokes	Reject	26.6
FS1242.74	238.46	Antony & Ruth Stokes	Accept in part	26.4
FS1242.8	208.7	Antony & Ruth Stokes	Accept in part	14.3
FS1242.81	238.53	Antony & Ruth Stokes	Accept in part	25.6
FS1242.9	208.8	Antony & Ruth Stokes	Accept in part	14.3
FS1244.1	182.1	Three Beaches Limited	Accept in part	General
FS1248.45	238.40	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	8
FS1248.46	238.41	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	13.1
FS1248.48	238.43	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	13.3
FS1248.49	238.44	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	26.5
FS1248.50	238.45	Trojan Holdings Limited & Beach Street Holdings Limited	Reject	26.6
FS1248.51	238.46	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	26.4
FS1248.52	238.47	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	7
FS1248.53	238.48	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	12.9
FS1248.55	238.50	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	20
FS1248.56	238.51	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	25.3
FS1248.57	238.52	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	20
FS1248.58	238.53	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	25.6
FS1248.59	238.54	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	25.7
FS1248.60	238.55	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	25.8
FS1248.61	238.56	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	25.9
FS1248.62	238.57	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	9
FS1248.63	238.58	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	14.2
FS1248.64	238.59	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	27.2
FS1248.65	238.60	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	27.4
FS1248.66	238.61	Trojan Holdings Limited & Beach Street Holdings Limited	Accept in part	27.4
FS1248.67	238.62	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	27.3

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1248.68	238.63	Trojan Holdings Limited & Beach Street Holdings Limited	Accept	27.4
FS1249.45	238.40	Tweed Development Limited	Accept in part	8
FS1249.46	238.41	Tweed Development Limited	Accept	13.1
FS1249.48	238.43	Tweed Development Limited	Accept in part	13.3
FS1249.49	238.44	Tweed Development Limited	Accept in part	26.5
FS1249.50	238.45	Tweed Development Limited	Reject	26.6
FS1249.51	238.46	Tweed Development Limited	Accept in part	26.4
FS1249.52	238.47	Tweed Development Limited	Accept in part	7
FS1249.53	238.48	Tweed Development Limited	Accept	12.9
FS1249.55	238.50	Tweed Development Limited	Accept in part	20
FS1249.56	238.51	Tweed Development Limited	Accept	25.3
FS1249.57	238.52	Tweed Development Limited	Accept in part	20
FS1249.58	238.53	Tweed Development Limited	Accept in part	25.6
FS1249.59	238.54	Tweed Development Limited	Accept in part	25.7
FS1249.60	238.55	Tweed Development Limited	Accept in part	25.8
FS1249.61	238.56	Tweed Development Limited	Accept	25.9
FS1249.62	238.57	Tweed Development Limited	Accept in part	9
FS1249.63	238.58	Tweed Development Limited	Accept	14.2
FS1249.64	238.59	Tweed Development Limited	Accept in part	27.2
FS1249.65	238.60	Tweed Development Limited	Accept	27.4
FS1249.66	238.61	Tweed Development Limited	Accept in part	27.4
FS1249.67	238.62	Tweed Development Limited	Accept	27.3
FS1249.68	238.63	Tweed Development Limited	Accept	27.4
FS1251.11	510.10	Varina Pty Limited	Accept in part	26.4
FS1251.13	511.10	Varina Pty Limited	Accept in part	26.4
FS1251.2	173.2	Varina Pty Limited	Accept	General
FS1251.4	230.1	Varina Pty Limited	Accept in part	12
FS1251.5	230.2	Varina Pty Limited	Accept in part	20
FS1251.6	230.3	Varina Pty Limited	Accept in part	13
FS1251.7	230.4	Varina Pty Limited	Accept in part	21
FS1251.8	230.7	Varina Pty Limited	Accept in part	31
FS1251.9	383.19	Varina Pty Limited	Accept in part	25
FS1260.1	668.1	Dato Tan Chin Nam	Accept in part	26.4
FS1260.10	187.15	Dato Tan Chin Nam	Reject	27.3
FS1260.11	238.62	Dato Tan Chin Nam	Reject	27.3
FS1260.12	846.1	Dato Tan Chin Nam	Accept in part	27.3
FS1260.13	846.2	Dato Tan Chin Nam	Accept in part	32
FS1260.14	68.4	Dato Tan Chin Nam	Accept in part	27.3
FS1260.15	68.5	Dato Tan Chin Nam	Reject	27.3
FS1260.18	184.1	Dato Tan Chin Nam	Accept in part	32
FS1260.19	184.2	Dato Tan Chin Nam	Accept in part	27.3
FS1260.2	668.3	Dato Tan Chin Nam	Accept in part	13.7
FS1260.24	97.6	Dato Tan Chin Nam	Accept	26.4
FS1260.25	699.45	Dato Tan Chin Nam	Accept	26.4
FS1260.26	238.46	Dato Tan Chin Nam	Accept in part	26.4
FS1260.27	512.5	Dato Tan Chin Nam	Accept in part	26.2

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1260.28	512.7	Dato Tan Chin Nam	Accept in part	26.4
FS1260.29	512.8	Dato Tan Chin Nam	Accept in part	26.4
FS1260.3	58.1	Dato Tan Chin Nam	Accept	26.2
FS1260.30	512.9	Dato Tan Chin Nam	Accept in part	26.4
FS1260.31	512.1	Dato Tan Chin Nam	Accept in part	13.2
FS1260.32	512.2	Dato Tan Chin Nam	Accept in part	13.7
FS1260.33	512.3	Dato Tan Chin Nam	Accept in part	13.7
FS1260.4	551.1	Dato Tan Chin Nam	Accept in part	General
FS1260.6	657.1	Dato Tan Chin Nam	Accept in part	26.4
FS1260.8	187.7	Dato Tan Chin Nam	Reject	27.3
FS1261.1	406.1	Bridesdale Farm Developments Limited	Accept	20
FS1265.11	383.22	DJ and EJ Cassells, the Bulling Family, the Bennett Family, M Lynch	Accept in part	13.4
FS1265.12	383.23	DJ and EJ Cassells, the Bulling Family, the Bennett Family, M Lynch	Accept in part	21
FS1265.13	383.24	DJ and EJ Cassells, the Bulling Family, the Bennett Family, M Lynch	Accept in part	21
FS1265.3	657.1	DJ and EJ Cassells, the Bulling Family, the Bennett Family, M Lynch	Accept in part	26.4
FS1265.8	628.2	DJ and EJ Cassells, the Bulling Family, the Bennett Family, M Lynch	Accept	General
FS1265.9	628.3	DJ and EJ Cassells, the Bulling Family, the Bennett Family, M Lynch	Accept	22
FS1268.11	383.22	Friends of the Wakatipu Gardens and Reserves Inc	Accept in part	13.4
FS1268.12	383.23	Friends of the Wakatipu Gardens and Reserves Inc	Accept in part	21
FS1268.13	383.24	Friends of the Wakatipu Gardens and Reserves Inc	Accept in part	21
FS1268.3	657.1	Friends of the Wakatipu Gardens and Reserves Inc	Accept in part	26.4
FS1268.8	628.2	Friends of the Wakatipu Gardens and Reserves Inc	Accept	General
FS1268.9	628.3	Friends of the Wakatipu Gardens and Reserves Inc	Accept	22
FS1270.10	847.4	Hansen Family Partnership	Accept in part	13.2
FS1270.109	717.3	Hansen Family Partnership	Accept in part	8
FS1270.11	847.5	Hansen Family Partnership	Reject	13.2
FS1270.110	717.4	Hansen Family Partnership	Accept in part	13.1
FS1270.111	717.5	Hansen Family Partnership	Reject	13.1
FS1270.112	717.6	Hansen Family Partnership	Accept	13.2
FS1270.113	717.7	Hansen Family Partnership	Reject	13.4
FS1270.114	717.8	Hansen Family Partnership	Accept in part	13.10

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1270.117	717.11	Hansen Family Partnership	Accept in part	13.13
FS1270.118	717.12	Hansen Family Partnership	Accept in part	13.13
FS1270.119	717.13	Hansen Family Partnership	Reject	21
FS1270.12	847.6	Hansen Family Partnership	Accept in part	13.10
FS1270.122	717.16	Hansen Family Partnership	Accept in part	26.4
FS1270.123	717.17	Hansen Family Partnership	Accept in part	26.6
FS1270.129	717.23	Hansen Family Partnership	Accept in part	13.10
FS1270.13	847.7	Hansen Family Partnership	Reject	13.10
FS1270.16	847.10	Hansen Family Partnership	Accept in part	13.13
FS1270.17	847.11	Hansen Family Partnership	Reject	13.13
FS1270.18	847.12	Hansen Family Partnership	Reject	21
FS1270.21	847.15	Hansen Family Partnership	Accept in part	26.4
FS1270.22	847.16	Hansen Family Partnership	Accept	26.6
FS1270.36	408.7	Hansen Family Partnership	Accept in part	8
FS1270.37	408.8	Hansen Family Partnership	Accept in part	13.7
FS1270.38	408.9	Hansen Family Partnership	Accept in part	13.8
FS1270.39	408.10	Hansen Family Partnership	Accept in part	13.8
FS1270.48	408.19	Hansen Family Partnership	Reject	21
FS1270.50	408.21	Hansen Family Partnership	Reject	26.2
FS1270.54	408.25	Hansen Family Partnership	Reject	26.4
FS1270.55	408.26	Hansen Family Partnership	Accept in part	31
FS1270.7	847.1	Hansen Family Partnership	Accept in part	8
FS1270.71	719.73	Hansen Family Partnership	Reject	27.4
FS1270.8	847.2	Hansen Family Partnership	Accept in part	13.1
FS1270.9	847.3	Hansen Family Partnership	Reject	13.1
FS1271.1	699.45	Hurtell Proprietary Limited and others	Accept	26.4
FS1271.14	187.7	Hurtell Proprietary Limited and others	Reject	27.3
FS1271.15	187.15	Hurtell Proprietary Limited and others	Accept in part	27.3
FS1271.17	657.1	Hurtell Proprietary Limited and others	Accept in part	26.4
FS1271.21	551.1	Hurtell Proprietary Limited and others	Accept in part	General
FS1271.24	551.4	Hurtell Proprietary Limited and others	Accept	27.4
FS1271.25	238.40	Hurtell Proprietary Limited and others	Accept in part	8
FS1271.26	238.46	Hurtell Proprietary Limited and others	Accept in part	26.4
FS1271.27	58.1	Hurtell Proprietary Limited and others	Accept	26.2
FS1271.28	668.1	Hurtell Proprietary Limited and others	Accept in part	26.4
FS1271.29	668.3	Hurtell Proprietary Limited and others	Accept in part	13.7
FS1271.30	668.4	Hurtell Proprietary Limited and others	Accept in part	26.4

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1271.31	668.5	Hurtell Proprietary Limited and others	Accept in part	26.4
FS1271.32	668.6	Hurtell Proprietary Limited and others	Accept in part	26.4
FS1271.33	668.7	Hurtell Proprietary Limited and others	Accept in part	26.4
FS1271.34	668.8	Hurtell Proprietary Limited and others	Accept in part	26.4
FS1274.26	206.1	John Thompson and MacFarlane Investments Limited	Accept in part	12.2
FS1274.27	206.2	John Thompson and MacFarlane Investments Limited	Accept in part	12.14
FS1274.28	206.3	John Thompson and MacFarlane Investments Limited	Accept	25.7
FS1274.29	206.4	John Thompson and MacFarlane Investments Limited	Accept	25.6
FS1274.30	206.5	John Thompson and MacFarlane Investments Limited	Accept	25.3
FS1274.38	383.52	John Thompson and MacFarlane Investments Limited	Accept in part	22
FS1276.1	798.31	JWA and DV Smith Trust	Accept in part	13.7
FS1276.2	842.5	JWA and DV Smith Trust	Reject	26
FS1279.1	68.2	Lakes Edge Development Limited	Accept in part	27.2
FS1279.10	208.4	Lakes Edge Development Limited	Accept in part	14.1
FS1279.11	208.5	Lakes Edge Development Limited	Accept in part	14.2
FS1279.12	208.6	Lakes Edge Development Limited	Accept in part	General
FS1279.13	208.7	Lakes Edge Development Limited	Accept in part	14.3
FS1279.14	208.8	Lakes Edge Development Limited	Accept in part	14.3
FS1279.15	208.9	Lakes Edge Development Limited	Accept in part	14.3
FS1279.16	208.10	Lakes Edge Development Limited	Accept in part	14.3
FS1279.17	208.11	Lakes Edge Development Limited	Accept in part	22
FS1279.18	208.12	Lakes Edge Development Limited	Accept in part	22
FS1279.2	68.3	Lakes Edge Development Limited	Accept in part	27.2
FS1279.21	208.15	Lakes Edge Development Limited	Accept in part	27

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1279.22	208.16	Lakes Edge Development Limited	Accept in part	27.4
FS1279.23	208.17	Lakes Edge Development Limited	Accept in part	27.5
FS1279.24	208.18	Lakes Edge Development Limited	Accept in part	27.4
FS1279.25	208.19	Lakes Edge Development Limited	Accept in part	27.4
FS1279.26	208.20	Lakes Edge Development Limited	Accept in part	27.4
FS1279.27	208.21	Lakes Edge Development Limited	Accept in part	27.4
FS1279.28	208.22	Lakes Edge Development Limited	Accept in part	General
FS1279.29	208.23	Lakes Edge Development Limited	Accept in part	General
FS1279.3	68.4	Lakes Edge Development Limited	Accept in part	27.3
FS1279.30	208.24	Lakes Edge Development Limited	Accept in part	General
FS1279.31	208.25	Lakes Edge Development Limited	Accept in part	32
FS1279.32	208.26	Lakes Edge Development Limited	Accept	32
FS1279.4	68.5	Lakes Edge Development Limited	Accept in part	27.3
FS1279.6	7.2	Lakes Edge Development Limited	Accept in part	General
FS1279.7	7.3	Lakes Edge Development Limited	Accept in part	32
FS1279.8	208.2	Lakes Edge Development Limited	Accept in part	9
FS1279.9	208.3	Lakes Edge Development Limited	Accept in part	14.2
FS1288.1	392.1	Pinewood	Accept in part	9
FS1288.10	392.7	Pinewood	Accept in part	27.3
FS1288.2	392.2	Pinewood	Accept	14.1
FS1288.3	392.3	Pinewood	Accept in part	14.2
FS1288.4	392.4	Pinewood	Accept in Part	14.6
FS1288.6	392.8	Pinewood	Reject	22
FS1300.2	42.2	Wanaka Trust	Accept in part	General
FS1315.10	512.6	Greenwood Group Ltd	Accept in part	26.4
FS1315.11	512.7	Greenwood Group Ltd	Accept in part	26.4
FS1315.12	512.8	Greenwood Group Ltd	Accept in part	26.4
FS1315.13	512.9	Greenwood Group Ltd	Accept in part	26.4
FS1315.14	512.10	Greenwood Group Ltd	Accept in part	26.4
FS1315.15	512.11	Greenwood Group Ltd	Reject	26.6
FS1315.16	536.1	Greenwood Group Ltd	Accept in part	13.2
FS1315.17	536.2	Greenwood Group Ltd	Accept in part	13.7
FS1315.18	536.3	Greenwood Group Ltd	Accept in part	13.7

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1315.19	536.4	Greenwood Group Ltd	Accept in part	21
FS1315.20	536.5	Greenwood Group Ltd	Accept in part	26.2
FS1315.21	536.6	Greenwood Group Ltd	Reject	26.4
FS1315.22	536.7	Greenwood Group Ltd	Accept in part	26.4
FS1315.23	536.8	Greenwood Group Ltd	Accept in part	26.4
FS1315.24	536.9	Greenwood Group Ltd	Accept in part	26.4
FS1315.25	536.10	Greenwood Group Ltd	Accept in part	26.4
FS1315.26	536.11	Greenwood Group Ltd	Reject	26.6
FS1315.5	512.1	Greenwood Group Ltd	Accept in part	13.2
FS1315.6	512.2	Greenwood Group Ltd	Accept in part	13.7
FS1315.7	512.3	Greenwood Group Ltd	Accept in part	13.7
FS1315.8	512.4	Greenwood Group Ltd	Accept in part	21
FS1315.9	512.5	Greenwood Group Ltd	Accept in part	26.2
FS1331.10	699.45	Mount Crystal Limited	Accept	26.4
FS1331.11	238.46	Mount Crystal Limited	Accept in part	26.4
FS1331.12	512.5	Mount Crystal Limited	Accept in part	26.2
FS1331.13	512.7	Mount Crystal Limited	Accept in part	26.4
FS1331.14	512.8	Mount Crystal Limited	Accept in part	26.4
FS1331.15	512.9	Mount Crystal Limited	Accept in part	26.4
FS1331.16	512.1	Mount Crystal Limited	Accept in part	13.2
FS1331.17	512.2	Mount Crystal Limited	Accept in part	13.7
FS1331.18	512.3	Mount Crystal Limited	Accept in part	13.7
FS1331.22	187.15	Mount Crystal Limited	Accept in part	27.3
FS1331.23	187.7	Mount Crystal Limited	Reject	27.3
FS1331.24	238.62	Mount Crystal Limited	Reject	27.3
FS1331.26	551.1	Mount Crystal Limited	Accept in part	General
FS1331.29	551.4	Mount Crystal Limited	Accept	27.4
FS1331.30	58.1	Mount Crystal Limited	Accept	26.2
FS1331.32	657.1	Mount Crystal Limited	Accept in part	26.4
FS1331.4	184.1	Mount Crystal Limited	Accept in part	32
FS1331.5	184.2	Mount Crystal Limited	Accept in part	27.3
FS1331.6	846.1	Mount Crystal Limited	Reject	27.3
FS1331.7	846.2	Mount Crystal Limited	Accept in part	32
FS1331.8	68.4	Mount Crystal Limited	Accept in part	27.3
FS1331.9	68.5	Mount Crystal Limited	Reject	27.3
FS1332.1	166.4	Nick Mills	Accept in part	11
FS1332.2	293.3	Nick Mills	Accept in part	29.6
FS1332.3	322.1	Nick Mills	Accept in part	16.1
FS1332.5	812.1	Nick Mills	Accept in part	29.6
FS1332.6	383.28	Nick Mills	Accept in part	11
FS1340.15	24.5	Queenstown Airport Corporation	Accept in part	20
FS1340.16	35.1	Queenstown Airport Corporation	Accept in part	20
FS1340.17	36.1	Queenstown Airport Corporation	Accept in part	20

Further Submission Number	Original Submission	Further Submitter	Commissioners' Recommendation	Report Reference
FS1340.18	43.1	Queenstown Airport Corporation	Accept in part	20
FS1340.19	141.4	Queenstown Airport Corporation	Accept in part	20
FS1340.21	485.1	Queenstown Airport Corporation	Accept in part	20
FS1340.22	555.3	Queenstown Airport Corporation	Accept in part	20
FS1340.23	555.4	Queenstown Airport Corporation	Accept in part	20
FS1340.24	524.19	Queenstown Airport Corporation	Accept in part	20
FS1340.25	678.3	Queenstown Airport Corporation	Accept in part	20
FS1340.26	805.46	Queenstown Airport Corporation	Reject	12.11
FS1340.78	336.3	Queenstown Airport Corporation	Reject	25.5
FS1352.1	529.1	Kawarau Village Holdings Limited	Accept in part	27.2
FS1352.14	72.1	Kawarau Village Holdings Limited	Accept in part	General
FS1352.15	72.2	Kawarau Village Holdings Limited	Accept in part	25.3
FS1352.2	529.2	Kawarau Village Holdings Limited	Accept in part	27.3
FS1352.3	529.3	Kawarau Village Holdings Limited	Accept in part	27.3

Appendix 7: Definitions Recommended to Stream 10 Hearing Panel for Insertion in Chapter 2

Activity Sensitive To Aircraft Noise (ASAN)	Make applicable to activities sensitive to road noise also
Community Activity	Means the use of land and buildings for the primary purpose of health, welfare, care, safety, education, culture and/or spiritual well being. Excludes recreational activities. A community activity includes day care facilities, education activities, hospitals, doctors surgeries and other health professionals, churches, halls, libraries, community centres, police stations, fire stations, courthouses, probation and detention centres, government and local government offices.
Education Activity	Means the use of land and buildings for the primary purpose of regular instruction or training including early childhood education, primary, intermediate and secondary schools, tertiary education and including ancillary administrative, cultural, recreational, health, social and medical services (including dental clinics and sick bays) and commercial facilities.
Flat site	A flat site is where the ground slope is equal to or less than 6 degrees (i.e equal to or less than 1 in 9.5). Ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation. Where all elevations indicate a ground slope equal to or less than 6 degrees (i.e. equal to or less than 1 in 9.5), rules applicable to flat sites will apply.
Minor Alterations and Additions to a Building	Means any of the following: <ul style="list-style-type: none"> • Constructing an uncovered deck. • Replacing windows or doors in an existing building that have the same profile, trims and external reveal depth as the existing. • Changing existing materials or cladding with other materials or cladding of the same texture, profile, and colour.
Sloping site	A sloping site is where the ground slope is greater than 6 degrees (i.e greater than 1 in 9.5). Ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation. Where any elevation indicates a ground slope of greater than 6 degrees (i.e. greater than 1 in 9.5), rules applicable to sloping sites will apply.

Appendix 8: Recommendations on Submissions to Stream 10 Panel
Part A: Submissions

Submission Number	Submitter	Commissioners' Recommendation	Report Reference
170.1	Cameron Steele	Reject	36.2
243.4	Christine Byrch	Accept in part	36.1
243.41	Christine Byrch	Accept in part	36.11
243.42	Christine Byrch	Accept in part	36.11
243.43	Christine Byrch	Accept in part	36.11
433.30	Queenstown Airport Corporation	Accept	36.11
433.31	Queenstown Airport Corporation	Accept in part	36.11
433.32	Queenstown Airport Corporation	Accept in part	36.11
438.2	New Zealand Fire Service	Accept in part	36.4
524.1	Ministry of Education	Accept	36.5
524.2	Ministry of Education	Accept in part	36.4
524.3	Ministry of Education	Accept	36.4
524.4	Ministry of Education	Accept in part	36.5
271.2	Board of Airline Representatives of New Zealand (BARNZ)	Reject	36.1
350.1	Dalefield Trustee Ltd	Accept in part	36.11
568.9	Grant Laurie Bissett	Accept in part	36.11
678.1	Southern District Health Board	Accept	36.4
678.2	Southern District Health Board	Accept	36.4
836.5	Arcadian Triangle Limited	Accept	36.6
836.12	Arcadian Triangle Limited	Accept in part	36.11
408.2	Otago Foundation Trust Board	Reject	36.1
208.43	Pounamu Body Corporate Committee	Accept	36.8
68.1	Nigel Sadlier	Accept in part	36.9
836.8	Arcadian Triangle Limited	Accept in part	36.10

Part B: Further Submissions

Further Submission Number	Original Submissions	Further Submitters	Commissioners' Recommendation	Report Reference
FS1061.33	524.2	Otago Foundation Trust Board	Accept in part	36.4
FS1061.34	524.3	Otago Foundation Trust Board	Accept	36.4
FS1077.16	408.2	Board of Airline Representatives of New Zealand (BARNZ)	Accept	36.1
FS1077.17	408.2	Board of Airline Representatives of New Zealand (BARNZ)	Accept	36.1
FS1097.274	408.2	Queenstown Park Limited	Reject	36.1
FS1097.316	433.30	Queenstown Park Limited	Reject	36.11
FS1097.317	433.31	Queenstown Park Limited	Accept in part	36.11
FS1097.318	433.32	Queenstown Park Limited	Accept in part	36.11

Further Submission Number	Original Submissions	Further Submitter	Commissioners' Recommendation	Report Reference
FS1117.202	524.1	Remarkables Park Limited	Reject	36.5
FS1117.203	524.2	Remarkables Park Limited	Accept in part	36.4
FS1117.204	524.3	Remarkables Park Limited	Accept	36.4
FS1117.205	524.4	Remarkables Park Limited	Accept in part	36.5
FS1117.86	433.30	Remarkables Park Limited	Reject	36.11
FS1117.87	433.31	Remarkables Park Limited	Accept in part	36.11
FS1117.88	433.32	Remarkables Park Limited	Accept in part	36.11
FS1167.5	408.2	Peter and Margaret Arnott	Accept in part	36.1
FS1224.41	243.41	Matakauri Lodge Limited	Accept in part	36.11
FS1224.42	243.42	Matakauri Lodge Limited	Accept in part	36.11
FS1224.43	243.43	Matakauri Lodge Limited	Accept in part	36.11
FS1270.31	408.2	Hansen Family Partnership	Reject	36.1
FS1340.2	408.2	Queenstown Airport Corporation	Accept	36.1