

**BEFORE THE INDEPENDENT HEARING PANEL
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

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| Under the | Resource Management Act 1991 |
| In the matter | of the Urban Intensification Variation to the proposed Queenstown Lakes District Plan |

**SECTION 42A REPORT OF CORINNE FRISCHKNECHT
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

**CHAPTER 12 Queenstown Town Centre - TEXT
CHAPTER 13 Wānaka Town Centre - TEXT
CHAPTER 15 Local Shopping Centre Zone - TEXT
CHAPTER 16 Business Mixed Use - TEXT**

6 June 2025



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1. QUALIFICATIONS AND EXPERIENCE

- 1.1** My full name is Corinne Frischknecht. I hold the position of Senior Policy Planner at Queenstown Lakes District Council (**the Council or QLDC**). I have been in this position since February 2024.
- 1.2** I hold the qualifications of Bachelor of Environmental Management from Lincoln University and a Master of Urban Design from Auckland University. I am a Full member of the New Zealand Planning Institute.
- 1.3** My current role is Senior Policy Planner, prior to this I was employed at Tauranga City Council as Principal - Urban Planning and Design. As part of this role, I was Project Lead for setting up the Tauranga Urban Design Panel, as well as involved in drafting Urban Design provisions and expert conferencing for Urban Design for the Plan Change 33 – Enabling Housing Supply.
- 1.4** I have over 16 years’ experience working in resource management planning, urban design and spatial planning (both public and private sectors) in New Zealand and the United Kingdom. This includes having a lead role or support for a number of Council plan changes, of most relevance being Plan Change 26 – Housing Change for Tauranga City Council which was a plan change to enable intensification of existing urban areas. My involvement in the project included provision writing, s.32 evaluation report, summary of submissions and further submissions. The Plan Change was prepared to give effect to the NPS-UD 2020 and was then put on hold with the release of NPS-UD 2022 and eventually replaced by *Plan Change 33 – Enabling Housing Supply*, and consequently never eventuated to a Hearing.
- 1.5** Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. The Council, as my employer, has authorised me to give this evidence on its behalf.

2. INTRODUCTION

2.1 In this section 42A report, I provide recommendations to the Hearings Panel on the submissions and further submissions received on the variations to the Business Zones to the Proposed District Plan (**PDP**).

2.2 I became involved in this Variation during the summary of submissions process.

2.3 I have grouped my analysis of these submissions into topics as follows:

- (a) Topic 1: Queenstown Town Centre Zone;
- (b) Topic 2: Wānaka Town Centre Zone;
- (c) Topic 3: Business Mixed Use Zone;
- (d) Topic 4: Local Shopping Centre Zone;

2.4 For each topic, I summarise the key issue(s) and relief sought in the submission, consider whether the relief sought better achieves the relevant objectives of the applicable policy documents, and evaluate the appropriateness, including costs and benefits, of the requested changes in terms of s32AA of the RMA.

2.5 The section 32AA evaluations contain a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Therefore, recommendations on editorial, minor, and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated.

2.6 My recommendations in relation to further submissions reflect the recommendations on the relevant primary submission.

2.7 When assessing the submissions, I refer to and rely on the evidence of:

- (a) Mr Cam Wallace, Barker and Associates (B&A) – Urban Design;
- (b) Ms Susan Fairgray, Market Economics (ME) – Economics;
- (c) Mr Richard Powell, Queenstown Lakes District Council – Three Waters Infrastructure;

- (d) Ms Amy Bowbyes, Queenstown Lakes District Council – Section 42A on Strategic Evidence, Arrowtown, and Chapters 2, 4 and 7.

2.8 The key documents I have used, or referred to, in forming my view are:

- (a) National Policy Statement on Urban Development (**NPS-UD**);
- (b) Notified Urban Intensification Variation – Section 32 Report (**s32 Report**);
- (c) Queenstown Lakes Proposed District Plan (**PDP**);
- (d) Queenstown Lakes Operative District Plan (**ODP**);
- (e) Regional Policy Statement 2019 for Otago (**ORPS 19**);
- (f) Proposed Otago Regional Policy Statement 2021 (**PORPS 21**) - decisions version;
- (g) Queenstown Lakes Spatial Plan 2021 – 2050 (**Spatial Plan**);
- (h) QLDC Ten Year Plan 2021-2031 (**LTP**);
- (i) QLDC Annual Plan 2023-2024 (**AP**);
- (j) QLD Housing & Business Capacity Assessments (**HBA**) (2017, 2021);

2.9 Changes I recommend to the notified UIV provisions in response to submissions and further submissions are tracked in Appendix 1 to Ms Bowbyes S42A – Strategic Evidence (**Strategic Evidence Appendix 1** hereafter). My recommendations for accepting or declining submissions are included in Appendix 2 to Ms Bowbyes S42A – Strategic Evidence (**Strategic Evidence Appendix 2** hereafter) alongside a summary of the relief sought in the submissions.

2.10 Where a submission is in support of a notified provision and no other submissions have been received on that provision, I have not addressed the submission point. I recommend that these submission points are accepted, as shown in **Strategic Evidence Appendix 2**.

2.11 Where a submission opposes a provision and does not provide any reasons, I have not addressed the submission point. I recommend that these submission points are rejected, as shown in **Strategic Evidence Appendix 2**.

2.12 Throughout my evidence I refer to the following versions of the PDP text, as follows:

- (a) PDP [Provision] XX.X.X: to refer to the Proposed District Plan (i.e. PDP Objective XX.2.1);
- (b) notified [Provision] XX.X.X: to refer to the notified version of a provision amended through the UIV (i.e. notified Objective XX.2.1); and
- (c) S42A [Provision] XX.X.X: to refer to the recommended version of a provision as included in Strategic Evidence Appendix 1 (i.e. S42A Objective XX.2.1).

3. EXECUTIVE SUMMARY

3.1 This s42A report makes recommendations on the submissions and further submissions received on the variations to the following chapters to the Proposed District Plan (PDP):

- a) Chapter 12 – Queenstown Town Centre
- b) Chapter 13 - Wānaka Town Centre
- c) Chapter 15 - Local Shopping Centre Zone
- d) Chapter 16 - Business Mixed Use

3.2 A number of submissions seek changes to the PDP text. Some submissions also seek changes to the extent of the Business Zones. These have been addressed in my s42A – Business Zones requests and Lake Hāwea Zones requests.

3.3 The main issues raised by the submitters relevant to this s42A report are:

- (a) Objective, policies and rule frameworks for Business Zones, and
- (b) Bulk and Location standards within the Business Zones, particularly increased heights in QTCZ and WTCZ and effects on character and amenity.

3.4 This report addresses each of these key issues, as well as any other relevant issues raised in the submissions relating to the Business Zones. Having considered the notified material, the submissions and further submissions received, the findings of the Council's expert advisors I have evaluated the provisions relating to the Business Zones and provided recommendations and conclusions in this report. The

provisions with my recommended amendments are included in **Strategic Evidence Appendix 1** and summarised below:

Chapter 12 - Queenstown Town Centre

- a) Amendments to Policy 12.2.2.3c to replace 'public places' within 'land zoned Open Space' in reference to maintaining sunlight access;
- b) Amendments to Rule 12.5.8 to amend the heading of the rule to acknowledge that it refers to façade height as well as setback of upper floors, and apply tiered approach for setbacks of upper floors; and make an exemption for boundaries adjoining Cow Lane, Searle Lane or the pedestrian links;
- c) Amend Precinct Plan and Rule 12.5.9 Maximum building height to include additional Precinct 6 with a height limit of 8m, and include Area A within Height Precinct 3 where maximum height shall be taken from masl.
- d) Minor amendment to Rule 12.5.11 Minimum Ground Floor Height so that it refers to floor to floor rather than floor to ceiling.

Chapter 13 - Wānaka Town Centre

- a) Amendments to Policy 13.2.2.3 to provide policy support for a sixth storey where high urban design outcomes can be achieved;
- b) Additional three policies that sit under Objective 13.2.3 to embed key urban design outcomes from the WTC guidelines into the PDP to give them more statutory weight;
- c) Include an additional policy under Objective 13.2.3 and amendments to Rule 13.5.10 that allows for buildings between 16.5m and 20m in the Town Centre in situations when the outcome is of high quality design; and the additional height would not result in shading that would adversely impact on adjoining Residential zone and/or public space or does not dominate the streetscape;
- d) Amendments to the matters of discretion in Rule 13.4.4 that applies to all buildings in WTC that refer to planned built form and consideration of appropriate lighting in public spaces;
- e) Amendments to Rule 13.5.9 Building height setback at upper floors that provides a tiered approach for requiring setbacks at upper floors;

- e) Minor amendment to Rule 13.5.16 Minimum Ground Floor Height so that it refers to floor to floor rather than floor to ceiling;
- f) Amendments to Rule 13.6 – Non-Notification of Applications to include *Rule 13.5.9 Building height setback at upper floors*, *Rule 13.5.15 Outlook Space (per unit)* and *Rule 13.5.16 Minimum Ground Floor Height* and that these 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.

Chapter 15 - Local Shopping Centre Zone

- a) Amendments to Rule 15.5.7 Building Height to increase the height for the LSCZ at Lake Hāwea South from 12m to 14m;

Chapter 16 - Business Mixed Use

- a) Amendments to Rules 16.5.8 and 16.5.9 to increase discretionary building heights in Wānaka (Three Parks) to 16.5m, and maximum building height to 20m.

4. CENTRES STRATEGY

4.1 The evidence of Ms Bowbyes discusses the relevant provisions in the NPS-UD. Of particular relevance to the commercial centres discussed in this report:

- (a) Policy 1 of the NPS-UD¹ requires planning decisions to contribute to well-functioning urban environments; and
- (b) Policy 5 of the NPS-UD directs enablement of height and density of urban form in tier 2 urban environments such as the Queenstown Lakes District, with the greater of:
 - (i) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or
 - (ii) relative demand for housing and business use in that location.

1 NPS-UD Part 2, Section 2.1.

- 4.2** Alongside the directive of the NPS-UD intensification policies, it is also important to acknowledge the regional and local policy framework in relation to growth and urban development.
- 4.3** The policies in the Urban Form and Development (**UFD**) chapter of the ORPS 19 seek to facilitate the provision of sufficient housing and business capacity and ensure all of the region's urban areas demonstrate the features of well-functioning urban environments and meet the needs of current and future communities. The following objectives and supporting policies are of particular relevance to commercial centres:
- (a) UFD–O1 –Development of urban areas - The development and change of Otago's urban areas occurs in a strategic and coordinated way, which:
 - (i) accommodates the diverse and changing needs and preferences of Otago's people and communities, now and in the future,
 - (ii) integrates effectively with surrounding urban areas and rural areas,
 - (iii) results in a consolidated, well-connected and well-designed urban form which is integrated with infrastructure, and
 - (iv) supports climate change adaptation and climate change mitigation
 - (b) UFD–P2 – Sufficiency of development capacity - Ensure that at least sufficient housing and business development capacity is provided in urban areas in the short, medium and long term, including by responding to any demonstrated insufficiency in housing or business development capacity by increasing development capacity or providing more development infrastructure as required, as soon as practicable,
 - (c) UFD–P3 – Urban intensification - Manage intensification in urban areas, so that as a minimum,
 - (i) contributes to establishing or maintaining the qualities of a well-functioning urban environment,
 - (ii) enables heights and densities that meets the greater of demonstrated demand for housing and/or business use or the

level of accessibility provided for by existing or planned active transport or public transport,

- (d) UFD–P5 – Commercial activities - Provide for commercial activities in urban areas by:
 - (i) enabling a wide variety and scale of commercial activities, social, recreational and cultural activities to concentrate in city, metropolitan, town centres and commercial zoned areas, where appropriate, especially if they are highly accessible by public transport or active transport,
 - (ii) enabling smaller local and neighbourhood centres, mixed use zones and rural settlements to accommodate a variety of commercial activities, social, recreational and cultural activities of a scale appropriate to service local community needs,

4.4 Chapter 3 of the PDP sets out the over-arching strategic direction for the management of growth, land use and development in the District. This includes a number of relevant strategic objectives and policies that relate to urban growth and commercial centres, and inform the recommendations in this report. These include:

- (a) SO 3.2.1 The development of a prosperous, resilient and equitable economy in the district alongside supporting SP 3.2.1.1² and 3.2.1.2.³
- (b) SO 3.2.2 Urban growth is managed in a strategic and integrated manner alongside SP 3.2.2.1(a)⁴ and (c).⁵
- (c) SO 3.2.3 A quality built environment taking into account the character of individual communities alongside SP 3.2.3.2.
- (d) SP 3.3.3 Provide a planning framework for the Queenstown and Wānaka town centres that enables quality development and enhancement of the centres as the key commercial, civic and cultural hubs of the District, building on their existing functions and strengths.

2 The significant socioeconomic benefits of well designed and appropriately located visitor industry places, facilities and services are realised across the District.

3 The Queenstown and Wānaka town centres are the hubs of New Zealand’s premier alpine visitor resorts and the District’s economy.

4 Urban development occurs in a logical manner so as to promote a compact, well designed and integrated urban form.

5 Achieve a built environment that provides desirable, healthy and safe places to live, work and play.

- (e) SP 3.3.30 Protect the landscape values of Outstanding Natural Features and Outstanding Natural Landscape

- 4.5** The Accessibility & Demand Analysis undertaken by Barker & Associates appended to the s32 Report (**Accessibility & Demand Analysis**) concluded that the Queenstown Town Centre served a greater role and function than the other centres, followed by Arrowtown, Wānaka, Business Mixed Use and Local Shopping Centres. This supports the centres strategy as outlined in Chapter 3 - Strategic Direction in the PDP.
- 4.6** The Accessibility & Demand Analysis, alongside the District Plan Urban Design Review prepared by Mr Wallace appended to the s32 Report (**Urban Design Report**), informed the notified building heights and density to align with the role and function of each centre and are commensurate with the level of accessibility by existing or planned active or public transport or relative demand, giving effect to NPS-UD Policy 5. This is reflected in the notified planning framework with the Town Centre Zones having the greatest heights enabled, through to Local Shopping Centres having the lowest this approach remains in the recommended s42A chapter attached to this s42A.
- 4.7** Intensification in commercial centres aligns with the outcome and directive in Objective 1 and Policy 1 of the NPS-UD in providing for well-functioning urban environments and enabling people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future. This is through intensification enabling a variety of homes (including apartments) that may not otherwise be developed in residential zones. These dwellings will have good accessibility to jobs, community services, open spaces and public transport. Intensification within and around centres provides transport choices (including active travel modes and public transport) and also support reductions in greenhouse gas emissions.
- 4.8** In her evidence, Ms Fairgray supports a centres-based approach, and also emphasises that increasing height and density in centres increases the commercial viability and vitality of the centres as outlined in Section 6 of her evidence. She

considers that a centres-based urban form is a more efficient and sustainable pattern of urban growth than dispersed patterns of development. The concentration of activity into central nodes results in more efficient patterns of consumer access to goods, services and other household needs. It also increases efficiency through the centralisation of infrastructure and services delivery. This also includes the provision of social and other public infrastructure such as public space, which are important components of the social role of centres. A concentration of residential demand within these locations reinforces the commercial viability and vitality of centres, with more dispersed patterns of growth resulting in reduced economic benefits for centres.

- 4.9** For the structure of this report, I have provided recommendations on the relief sought for each of the centres which includes consideration of their role and function, level of accessibility and relative demand, being Queenstown Town Centre Zone (**QTCZ**), followed by Wānaka Town Centre Zone (**WTCZ**), Business Mixed Use Zone (**BMUZ**) and then Local Shopping Centres Zone (**LCSZ**).

5. TOPIC 1: QUEENSTOWN TOWN CENTRE ZONE

- 5.1** The purpose of the QTCZ in Chapter 13 of the PDP is to provide a focus for community life, retail, entertainment, business and services. It serves as the principal administrative centre for the district and offers a wide variety of activities for residents and visitors. The QTCZ sits at the top of the centres hierarchy and has the highest level of accessibility and relative demand across the QLD area.
- 5.2** Within the QTCZ, there are also specific additional planning areas (depicted by way of overlays on the plan maps) including the Queenstown Town Centre Special Character Area, Town Centre Entertainment Precinct, Historic Heritage Precincts and Queenstown Waterfront Zone that are also subject to separate rules. Development within the Special Character Area of the Town Centre Zone is required to be consistent with the *Queenstown Town Centre Design Guidelines 2015*, reflecting the specific character and design attributes of development in this part of the Town Centre. The Entertainment Precinct permits noise thresholds that are higher than other parts of the Town Centre in order to encourage those noisier

operations to locate in the most central part of town, where it will have least effect on residential zones. All buildings⁶ in the QTCZ require RDA resource consent pursuant to Rule 12.4.7 which includes matters of discretion relating to external appearance, signage, lighting, Crime Prevention Through Environmental Design (CPTED), pedestrian links, natural hazards and infrastructure.

5.3 A number of changes are proposed to the QTCZ by the UIV, to give effect to Policy 5 of the NPS-UD, including increased heights and densities (through amended built form standards) considered commensurate with the greater of:

- (a) the level of accessibility; or
- (b) relative demand for housing and business use in the centre.

5.4 The above considerations are also balanced with Policy 1 of the NPS-UD by ensuring that the intensification contributes to a well-functioning environment. The following amendments to the PDP are therefore proposed through the notified UIV:

- (a) Amendment to the zone purpose.
- (b) Amendments to existing policies, as well as new policies considered necessary to implement the objectives.
- (c) Amendments to existing rules and matters of discretion, as well as new rules to provide an enabling framework for the built form anticipated, and to ensure good design outcomes.
- (d) Amendments to the QTC Height Precinct Map.
- (e) Amendments to public notification requirements to reflect the deletion of existing rule Discretionary building height in height Precinct 1 and Height Precinct 1(A) and the addition of new rule setbacks and sunlight access – sites adjoining a Residential Zone.

Chapter 12 – General

Matters raised by submitters

5.5 Submissions received on Chapter 12 as a whole provided a broad range of views. Of the submissions that were received in opposition, the main reasons related to

⁶ Except wharves and jetties, buildings on wharves and jetties, temporary 'pop up' buildings that are in place for no longer than 6 months, and permanent and temporary outdoor art installations.

height, character, extent of zone and infrastructure. Height and character are discussed in more detail in Section starting 5.56 of this report relating specifically to the height provisions.

- 5.6** B Hebbard (408) seeks that the UIV be put on hold until the roading network is upgraded.
- 5.7** Ministry of Housing and Urban Development (**HUD**) (800) seeks that the zoning provisions for the Town Centre be reconsidered to be more enabling of development with a focus on increased height limits. This is supported by Gavin Moore and Silver Creek Limited (FS1312.7).

Assessment

- 5.8** As outlined in the S32 and The Accessibility & Demand Analysis, the zoning of urban land has been reviewed as part of the proposal against its accessibility rating and relative demand in accordance with Policy of the NPS-UD. It takes into account accessibility to a range of services and amenities by active and public transport, with intensification proposed in areas that perform well.
- 5.9** In response to submissions that raise infrastructure and roading as an issue, the modelling for the HBA takes into account the three waters and land transport infrastructure networks including existing constraints. The central areas of Queenstown and Wānaka were identified in the s32 as the main places where growth is not limited by transport network constraints.⁷ Transport is covered in more detail in Section 12 of Ms Bowbyes' evidence.
- 5.10** The evidence by Mr Powell confirms that the level of intensification proposed for the QTC can be serviced by infrastructure (three waters) through upgrades in the future if the demand arises.
- 5.11** This is also supported by the Queenstown Lakes District Intensification Economic Assessment undertaken by m.e consulting dated 16 May 2023 appended to the s32

⁷ Page 29 of the Section 32 Report. This also included some of the outer minor settlements including Luggate, Cardrona, Frankton and Quail Rise.

Report (**Economic Assessment**). In particular the Economic Assessment concludes that the level of intensification is within the district's infrastructure limits. It also notes that concentrating activity into central nodes reduces the demand for infrastructure and may also result in lower costs for infrastructure provision.

5.12 In regard to enabling greater intensification and heights as sought by HUD, the methodology used to inform the implementation of the NPS-UD is described in Section 6.1 of the s32 Report and considers both the zoning extent as well as existing provisions. The extent of the QTCZ was considered appropriate to be commensurate with its level of accessibility and relative demand as required by Policy 5 of the NPS-UD. Height in this zone is discussed in more detail in Section starting 5.56 of this Report.

5.13 As outlined in Ms Fairgray's evidence, the amendments proposed by the UIV will result in development that encompasses a more efficient spatial structure than what will be achieved under the existing PDP provisions. Over the long-term, this is likely to support the further development of Queenstown Town Centre as a main commercial node. The capacity assessment in Section 6 of Ms Fairgray's evidence shows that the proposed provisions are likely to substantially increase the level of feasible development opportunity within Queenstown Town Centre.

Summary of Recommendation

5.14 For the reasons given in the assessment, I recommend that the submissions in general support of Chapter 12 be accepted in part subject to any changes I have recommended in this report and the submissions in opposition be rejected.

Chapter 12 – Policies

Policy 12.2.2.3 and 12.2.2.4

5.15 The UIV proposes amendments to Policy 12.2.2.3 to replace 'or' with 'and' for the listed matters, add 'from public places' in clause b when referring to view shafts, and remove 'and to footpaths' in clause c when referring to sunlight access.

5.16 The notified variation proposes to delete Policy 12.2.2.4.

- 5.17** Given the deletion of PDP Policy 12.2.2.4, PDP Policy 12.2.2.5 is proposed to be renumbered to Policy 12.2.2.4 and minor amendments were notified, to refer specifically in (h) to 'from public places' in regard to retention of view shafts.

Matters raised by submitters

- 5.18** 26 submissions⁸ were received in support of the proposed amendments to Policy 12.2.2.3, specifically sub clauses (b) and (c). These were supported by two further submissions.⁹ One submission was received in opposition. M Harris (10) requests that buildings be kept small, and sunlight kept on footpaths. No further explanation was given in the submission.
- 5.19** 26 submissions¹⁰ were received in support of the deletion of Policy 12.2.2.4. This was supported by further submissions from Southern Planning Group (1287) and Well Smart Investments (1328). One submission was received in opposition. M Harris (10.54, 10.55) requests that this policy is retained, and seeks to ensure that buildings do not exceed the discretionary height.
- 5.20** 26 submissions¹¹ were received in support of the amendments to Policy 12.2.2.54(h) and two further submissions (1287, 1328). No submissions were received in opposition.

Assessment

- 5.21** Including the word 'and' in Policy 12.2.2.3 recognises that sub clauses a. to d. are equally important and all of these sub-clauses are to be achieved, whereas the current wording 'or' indicates that only a minimum of one needs to be achieved.
- 5.22** The amendments to both policies to include 'from public places' when referring to viewshafts recognise that this Variation will result in changes to the anticipated built environment and subsequently the focus of this policy is on maintaining sunlight access and amenity in public places. This gives effect to Policy 5 of the NPS-

8 These include submissions: 964, 966, 967, 968.

9 Further submissions 1328, 1287.

10 These include submissions: 964, 966, 967, 968, 970.

11 These include submissions: 964, 966, 967, 968.

UD to enable greater heights and densities of urban form commensurate with the greater of the level of accessibility or relative demand

- 5.23** In response to the submission in opposition (M Harris), I consider Policy 6 of the NPS-UD to be relevant. Policy 6 states that decision-makers are to have particular regard to the fact that planned urban built form that gives effect to the NPS-UD may involve significant changes to an area, and those changes may detract from amenity values appreciated by some people but improve amenity values appreciated by other people and are not, of themselves, an adverse effect.
- 5.24** However, when considering the relief sought in this submission, I recognise that even though the proposed amendments to Policy 12.2.2.3(c) seek to remove reference to footpaths, the policy still refers to public places for the maintenance of sunlight access. The definition for '*public places*' in the PDP includes "*public thoroughfares and areas to which the public has access to*". My understanding of this definition is that it would still include footpaths.
- 5.25** The intention for removing the reference to 'footpath' at notification was to acknowledge that, given the PDP definition, maintaining sunlight access to public thoroughfares in the town centre cannot be practically achieved, even at the current lower-rise building heights.
- 5.26** The Urban Design Report attached to the s32 Report provides 3D modelling of the notified provisions which indicates that even though sunlight can be retained in the morning on the southern portion of east/west footpaths around the town across most of winter, if all sites are developed to their maximum envelope, this wouldn't be achieved everywhere.
- 5.27** The height and density approach recommended by the Urban Design Report seeks to maintain sunlight access to key open spaces within the town centre (Village Green, Earnslaw Park, St Peters Church and Marine Parade) and would still allow direct sunlight at certain times during winter months with recommended height increases.

5.28 Given the above, I support the deletion of ‘and to footpaths’ from Policy 12.2.2.3(c). This change also aligns with the reasoning provided in the submissions in support in that it gives better effect to the outcomes proposed in the Variation in terms of the appropriate intensification of the QTCZ¹². The recommended changes would also remove ambiguity from the policy, given the notified version proposes deletion of ‘footpaths’. The recommended amendment gives further support to the notified wording.

5.29 In regard to deletion of Policy 12.2.2.4, as the notified provisions remove the discretionary activity status for to height exceedances, Policy 12.2.2.4 (to be deleted) is no longer required. In my view, this is an appropriate policy response, and any non-compliances are covered by bespoke matters of discretion outlined in Rule 12.5.8 or captured by notified Policy 12.2.2.4 as renumbered.

Summary of Recommendations

5.30 I recommend, for the reasons given in the assessment, that Policy 12.2.2.3 is amended as follows:

S42A 12.2.2.3 Control the height and mass of buildings in order to:

a).....

b) retain and provide opportunities to frame important view shafts from public places to the surrounding landscape; and or

c). maintain sunlight access to land zoned Open Space ~~public places~~ and to footpaths, and with a particular emphasis on retaining solar access into the Special Character Area (as shown on the District Plan web mapping application); and ~~or~~

d.

5.31 I recommend that:

- (a) the relief sought by M Harris (10.53) be rejected and the relief sought by the submissions and further submission in support of Policy 12.2.2.3(b) be accepted, and in support of 12.2.2.3(c) be accepted in part.

12 These include submission: 964, 966, 967, 968.

- (b) the relief sought by M Harris be rejected (10) and the relief sought by the submissions and further submission in support of deletion of Policy 12.2.2.4 be accepted.
- (c) the relief sought by the submissions and further submission in support of Policy 12.2.2.4 (as renumbered) be accepted.

Section 32AA Analysis

5.32 The s42A recommended change to Policy 12.2.2.3 more appropriately reflects the intent of the relevant objectives (and the intent of the UIV more broadly given the deletion of the reference to footpaths). I have not undertaken a section 32AA evaluation of the recommended amendment to Policy 12.2.2.4. I consider that the small scale of the change has not altered the policy approach and in my view does not necessitate an evaluation over and above that undertaken in this report.

Policies 12.2.3.3 and 12.2.3.7

5.33 The UIV proposes amendments to Policy 12.2.3.3 including a new sub-clause (b) to ensure appropriate level of amenity for occupants through building layout and design for residential and visitor accommodation activities.

5.34 The UIV also proposes a new policy 12.2.3.7 to ensure continued flexibility of use of buildings within the Town Centre including the ability for retail and commercial activities to establish

Matters raised by submitters

5.35 26 submissions¹³ were received in support of the notified variations to Policy 12.2.3.3 and two further submissions (1287, 1328). Well Smart Investment Holding (THOM) Limited (1168) request that the proposed addition to policy 12.2.3.3 be rejected. No specific reason is provided in the submission other than the proposed provisions opposed will frustrate the intent of the NPS-UD, will add further complexity and cost to the development process, and are not needed. This is supported by the further submission by Elaine and Mahmoud Ashourian (1324).

13 These include submissions: 964, 966, 967, 968.

- 5.36** 26 submissions¹⁴ were received in support of the proposed new Policy 12.2.3.7 and two further submissions (1328, 1287). M Harris (10) opposes the proposed amendment. No reasons are provided by M Harris.

Assessment

- 5.37** In my view, the amendments to Policy 12.2.3.3 provide an appropriate framework to support the provisions for amenity for residential and visitor accommodation activities within the QTC. Proposed new Rule 12.5.12 relating to Outlook Space assist with implementing the notified policy. This provision is discussed in more detail in Section starting 5.136 of this Report. The existing PDP provisions are focused mainly on amenity effects upon adjoining properties. Providing quality on-site residential amenity becomes increasingly important with higher density living, especially in Town Centres. As more people live in smaller spaces, ensuring an appropriate level of amenity for occupants and thoughtful urban design in the building layout become essential to maintaining a high quality of life and contributing to the health and overall wellbeing of residents.
- 5.38** The proposed amendments to Policy 12.2.3.3 and new Rule 12.5.12 give effect to or implement:
- (a) PDP Objective 12.2.3 by maintaining a reasonable level of residential amenity within the Town Centre Zone; and
 - (b) PORPS 21, particularly Objective UFD–O1 and supporting Policies *UFD–P1 – Strategic planning* and *UFD–P3 – Urban intensification* by ensuring urban development improves housing quality and contributes to well-functioning environments.
- 5.39** New Policy 12.2.3.7, as notified, recognises the importance of enabling and maintaining flexibility for a range of retail and commercial activities to establish, specifically at ground level to contribute to a vibrant Town Centre to give effect to PDP Objective 12.2.3 and Strategic Objective 3.2.1.¹⁵ This also provides policy support for new notified Rule 12.5.11 Minimum Ground Floor Height.

14 These include submission: 964, 966, 967, 968, 970.

15 The development of a prosperous, resilient and equitable economy in the District.

- 5.40** I consider that the changes as notified most appropriately implement Objective 1 of the NPS-UD and providing for well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

Recommendation

- 5.41** I recommend for the reasons given in the assessment, that:
- (a) the submissions in support of Policy 12.2.3.3 be accepted, and submission 1168.7 and further submission 1324.22 be rejected and
 - (b) the relief sought by M Harris (10) be rejected and the submissions and further submissions in support of Policy 12.2.3.7 be accepted.

Policy 12.2.4.2

- 5.42** Notified amendments to Policy 12.2.4 includes a new limb (h) to ensure waste storage/loading does not compromise pedestrian experience. This provides policy support for the new matter of discretion notified for buildings in the QTCZ.¹⁶

Matters raised by submitters

- 5.43** 27 submissions¹⁷ were received in support of the amendments to Policy 12.2.4.2(h). This was supported by two further submissions (1328, 1287). No submissions were received in opposition.

Recommendation

- 5.44** I recommend for the reasons given in the assessment that the relief sought by the submissions and further submission in support of Policy 12.2.4.2(h) be accepted.

Chapter 12 – Rules – Activities

Rule 12.4.7

- 5.45** The notified variation proposes minor amendments to the matters of discretion for buildings in Rule 12.4.7.¹⁸ These include updating reference to Queenstown Town Centre Special Character Area Design Guidelines in (a) and a new matter (i) for the

16 Provision 12.4.7(i) outlines matters of discretion for buildings, including verandas, and any pedestrian link provided as part of the building/ development.

17 These include submission: 509, 964, 966, 967, 968

18 Excluding wharves and jetties, buildings on wharves and jetties, temporary 'pop up' buildings that are in place for no longer than 6 months, and permanent and temporary outdoor art installations

provision and screening of loading and servicing areas. No changes are proposed to the existing activity statuses. The status of the Design Guideline is covered in Ms A Bowbyes' evidence.

Matters raised by submitters

- 5.46** 26 submissions¹⁹ were received in support of the additional matter of discretion within Rule 12.4.7(i). This was supported by two further submissions (1287 and 1328). M Harris (10) opposes the proposed amendment. No reasons are provided by M Harris.

Assessment

- 5.47** I consider that the amendments as notified are required to give effect to PDP Objective 12.2.4 and Policy 12.2.4.2 to allow for consideration of waste storage/loading areas when assessing resource consent applications for buildings in QTCZ to contribute to a better pedestrian experience, but also to ensure that the Town Centre is easily accessible.

Recommendation

- 5.48** I recommend, for the reasons given in the assessment, that the relief sought by M Harris be rejected (10) and the relief sought by the submissions and further submission in support of Rule 12.4.7 be accepted.

Rule 12.4.3

- 5.49** PDP Rule 12.4.3 classifies Visitor Accommodation in the QTCZ as a Controlled Activity. The notified variation did not propose any amendments to this Rule or Visitor Accommodation in the QTCZ.

Matters raised by submitters

- 5.50** Well Smart Investment Holding (**THOM**) Limited (1168) oppose the non-complying status for any type of residential or visitor accommodation activity in the QTCZ, and any type of subdivision. This is supported by a further submission from Elaine and Mahmoud Ashourian (1324).

19 These include submission: 964, 966, 967, 968, 970.

- 5.51** THOM also seeks that irrespective of conformance with any terms or standards, residential/and Visitor Accommodation should be provided for as either permitted, controlled, restricted discretionary, or discretionary activity status respectively.

Assessment

- 5.52** It is unclear the relief that THOM Limited is seeking given that Visitor Accommodation in the QTCZ is a Controlled Activity subject to Rule 12.4.3 and a Residential Activity above ground floor is permitted subject to Rule 12.4.1.

- 5.53** There have been no changes proposed to the Activity Table outlined in Table 12.4 or Table 12.5 in regard to the activity status or standards applying to Visitor Accommodation. In the absence of any meaningful evidence, planning evaluation or s32AA evaluation from the submitter, I consider the existing activity status to be appropriate and the changes to Chapter 12.4 to be the most appropriate way to ensure adequate amenity values are achieved for residential activities within the QTCZ. Furthermore, the activity status aligns with the submitters' position.

Recommendation

- 5.54** I recommend for the reasons given in the assessment that the relief sought by THOM Limited (1168) and further submission 1324 are rejected.

Chapter 12 – Rules – Standards

- 5.55** A summary of the key changes notified for the provisions in section 5 of Chapter 12 (Rules – Standards) is provided below:
- (a) Introduction of a new building height setback requirements in Precincts 2, 3 and 4 for upper floor of buildings;
 - (b) Amendments and simplification to the maximum permitted building height requirements for buildings in the QTC;
 - (c) Removal of bespoke height and recession lines rules as well as the viewshaft height requirements within existing Height Precinct 7;
 - (d) Inclusion of a new minimum ground floor height standard of 4m at ground level with a restricted discretionary activity status;
 - (e) Addition of a sunlight admission standard for QTCZ properties that adjoin residential zones with a restricted discretionary activity status;

- (f) Introduction of minimum outlook space requirements with a restricted discretionary activity status; and
- (g) Deletion of Rule 12.5.8 Discretionary Building Height in Precinct 1, Precinct 1(A), Precinct 2, Precinct 4 and Precinct 5

PDP Rule 12.5.8 Discretionary Building Height in Precinct 1, Precinct 1(A), Precinct 2, Precinct 4 and Precinct 5

5.56 PDP Rules 12.5.8.3 - 12.5.8.7 outline building heights and recession plane requirements for the precincts outlined in the Height Precinct Map (Figure 2). The Precinct Plan shows the locations for building heights within the Zone. The variation as notified proposes to delete the existing Precinct Plan and replace it with a new height precinct map. Subsequently the precinct references in PDP Rule 12.5.8 would no longer be relevant. The maximum heights are now prescribed in new Rule 12.5.9 as notified, which also includes reference to the proposed new Height Precinct Map.

Matters raised by submitters

5.57 15 submissions²⁰ and two further submissions²¹ were received in support of the deletion of PDP Rule 12.5.8, in particular PDP Rule 12.5.8.6 which outline recession lines for Precinct 4. M Harris (10.58) opposes the deletion of the rule. No further reasoning or explanation is provided from the submitter.

5.58 Fernhill and Sunshine Bay Community Association Incorporated Society (**FSBC Assn**) (509) oppose the deletion and request that the matters of discretion are retained, and that public notification is undertaken for any of the matters of discretion that are not complied with. It is unclear on whether the submitter intended to refer to matters of discretion or whether the submission actually related to compliance with standards (given matters of discretion are to be considered by the Council in decision making rather than triggering the need for consent).

²⁰ These include submission: 964, 968, 973, 981.

²¹ submissions: FS13289 and FS1324.

Assessment

- 5.59** The variation as notified applies a new policy approach for heights in the QTCZ which removes the Discretionary Height requirements, previously outlined in Rule 12.5.8 and instead controls heights in the Town Centre through *Rule 12.5.9 Maximum building height*. This removes the tiered approach to building heights. The activity status for any development that does not comply with Rule 12.5.9 is non-complying, in which case Council is not restricted to the matters it can assess the proposal against. Subsequently, matters of discretion become redundant.
- 5.60** Regarding public notification, I consider that individual development proposals should each be considered on their merits (including consideration of the degree of departure from the height specified in a rule) and should be subject to the RMA notification tests. Section 95A provides clear steps to determine whether to publicly notify an application. Even though there may be instances where public notification may be appropriate, public notification should not in my view be a mandatory requirement as it may be determined that the infringement does not result in adverse effects on any person and therefore it would not be efficient or effective to notify the consent.

Recommendation

- 5.61** I recommend for the reasons given in the assessment that the relief sought by the submissions and further submissions in support of deletion of PDP Rule 12.5.8 be accepted and the submission by Fernhill and Sunshine Bay Community Association (509) be rejected.

Rule 12.5.9 Maximum Building Height and Precinct Plan (Chapter 12, Figure 12)

- 5.62** PDP Rule 12.5.9 and the Precinct Plan attached as Figure 2 in Chapter 12 (**Precinct Plan**) prescribe the desired built form and building height outcomes for the QTCZ and therefore need to be assessed in conjunction.
- 5.63** The Precinct Plan as notified covers the majority of the QTCZ and identifies a number of different precincts. It is referenced in Rule 12.5.9 which provides corresponding heights. This replaces an existing Precinct Plan.

- 5.64** The extent of the QTCZ remains unchanged between the existing PDP map and the version in the notified UIV. While the notified Precinct Plan covers the same area as the current version, the amended Precinct Plan proposes to decrease the number of Precincts from 7 down to 5.

Matters raised by submitters

- 5.65** Two submissions (776, 1254) were received supporting the location of specific sites within the notified version of the Precinct Plan. Eight submissions²² were received in opposition or requesting amendments.
- 5.66** Of the submissions in opposition, five submissions²³ related to specific sites. It appears that the main purpose for wanting to be located within a different Precinct is to benefit from the associated height limit (i.e. to allow higher permitted heights in each of the locations sought by submitters). Unless further reasoning has been provided by the submitter, I have considered that the relief sought has been addressed under Section starting 5.56 of this report relating to maximum building heights in the QTCZ.
- 5.67** Carter Queenstown 2015 Limited (**Carter Group**) (776) and MacFarlane Investments Limited and JL Thompson (**MIL**) (767) both request that the zoning map be updated to include additional land adjoining the QTCZ to the north and northwest (also known as PC 50 land), or specific properties identified in their submissions, as Queenstown Town Centre Zone in the variation. This is supported by seven further submissions.²⁴
- 5.68** Alongside this, MIL seeks a new rule in relation to heights that apply to the block of land bound by Isle Camp Man and Brecon Streets (also located within the PC 50 land). This is supported by further submissions by Upper Village Holdings 3 Limited (FS1335.13) and Carter Group (FS1337.7).
- 5.69** Carter Group (776) also opposes the lack of a clearly defined height limit for the part of the land zoned QTCZ legally described as Section 2 Block XVII Town of

22 These include submissions 765, 767, 771, 774, 878, 1163

23 Submissions 765, 767, 771, 774, 878.

24 These include Further Submissions 1267, 1335, 1337, 1361.

Queenstown and requests that this area be subject to a height limit of 4 metres. This is supported by Further Submission from Elaine and Mahmoud Ashourian (FS1324.4) and opposed by three further submissions from Alan Watts (FS1274.4), Trustees of the Rainbow Mountain Trust (FS1282.4) and Body Corporate 300172 (FS1291.4).

Assessment

5.70 As outlined in Section 9 of Ms Bowbyes' Strategic Evidence and in the Section 32 Report,²⁵ the scope of the proposed variation is limited to existing urban areas that are subject to a PDP urban environment zone which meet the requirements of Policy 5 in terms of accessibility and/or relative demand and for which changes are proposed. The UIV does not change any ODP zones that have not yet been reviewed into the PDP. The area of land that Carter Group and MIL seek to be rezoned are currently not included in the PDP framework (i.e. the land is currently zoned and regulated by the ODP). The ODP includes currently operative zones that have not yet been reviewed and notified. These will be brought into the PDP at a later stage of the District Plan Review, and at that stage, will be subject to assessment against Policy 5 of the NPS-UD.

5.71 In regard to Carter Groups (776) submission and as shown in the diagram below, the site (outlined in red) that Carter Group is referring to and legally described as Section 2 Block XVII Town of Queenstown has split zoning in the PDP between QTCZ (in purple) and Informal Recreation (in brown).



Figure 1: PDP Planning Map of the submission site (Section 2 Block XVII Town of Queenstown)

5.72 The portion of the site that is zoned QTCZ is not included on the notified Height Precinct Plan, or on the current Precinct Plan.

5.73 The site is also located within the PDP Queenstown Bay Waterfront Subzone which makes an important contribution to the amenity, vibrancy, and sense of place of the Queenstown Town Centre as a whole and includes specific provisions in Chapter 12. This includes a number of policies with focus on public open space (PDP Policy 12.2.5.4²⁶) and bulk and location (PDP Policies 12.2.5.6²⁷ and 12.2.5.8²⁸).

26 Retain and enhance all the public open space areas adjacent to the waterfront.

27 Provide for structures (including moorings, jetties and wharves) within the Queenstown Bay waterfront area subject to complying with bulk, location and appearance controls (if specified) and maintaining or enhancing the existing predominantly open character, a continuous pedestrian waterfront connection, and navigational safety.

28 Require that buildings on wharves and jetties be located and designed in a manner that minimises impacts on views from waterfront public spaces to the lake, gardens and mountains beyond, and maintains and encourages public access onto the wharves.

There are a suite of rules within PDP Table 12.4 Rules – Activities, that require consent for a restricted discretionary activity, particularly PDP Rule 12.4.9²⁹ and 12.4.10³⁰ with corresponding matters of discretion. There are no controls specified for this subzone and therefore the bulk and location provisions for Queenstown Town Centre applies.

- 5.74** Subsequently, the current maximum height for the site under the PDP would be 12m, subject to PDP Rule 12.5.9.3 (albeit proposed to be deleted by the UIV) which was a default rule for any sites not located within the Height Precinct Plan.
- 5.75** The site is owned by QLDC and is currently comprised of soft and hard landscaping to create a public open space on the lake edge. There are currently no buildings located on the site. The site is also designated in the PDP for Recreation Reserve (see map below designation number 223) with the requiring authority being QLDC. The site is also included within the Queenstown Bay Foreshore Reserves Management Plan 2016³¹. Page 6 of the Reserve Management Plan identifies this site as Zone 2 with objectives focused on using this area for passive recreation or events and allowing consideration of temporary commercial and community activities that are compatible with this use. The provisions in the PDP for Recreation Reserves refer back to the underlying zone for the site which in this case is 12m. Carter Group (776) has requested that this height should be reduced to 4m.

29 Buildings that meet specified criteria on jetties and wharves within the 'active frontage area' of the Queenstown Bay Waterfront Subzone.

30 Wharves and jetties, and buildings on wharves and jetties within the Queenstown Bay Waterfront Subzone.

31 <https://www.qldc.govt.nz/your-council/council-documents/reserve-management-plans/>

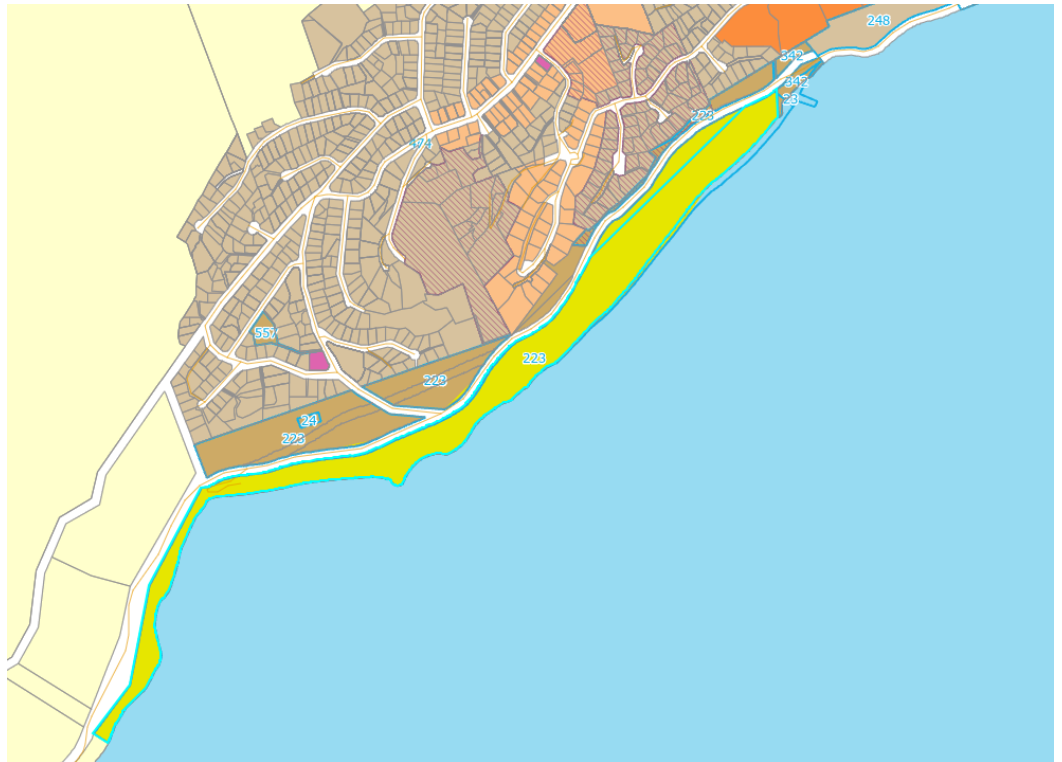


Figure 2: PDP Planning Map – designations

5.76 This submission has been addressed by Mr Wallace in Section 13 of his evidence who from an urban design perspective considers that given its current use, a height limit on this site of 8m would be appropriate to align with Height Precinct 1 provisions.

5.77 I rely on, and agree with Mr Wallace's assessment. Providing a 8m height limit for the QTCZ land rather than 4m requested by the submitter provides a consistent approach for height for the site with the adjoining Height Precinct 1, as well as the current designation in the PDP for Recreation Reserve. This height would also contribute to the "amphitheatre" type configuration of the QTCZ as discussed in Paragraph 6.2.4 of the Urban Design Report attached to the s32 Report.

Rule 12.5.9 Maximum Building Height

5.78 Rule 12.5.9 as notified, provides maximum height limits for the five height precincts identified in the Precinct Plan.

5.79 The Table below captures the changes made to height limits through the notified Precinct Plan. As mentioned above, the number of precincts in the notified version was reduced from 7 down to 5 and subsequently the extent of some of the existing precincts is now captured in two precincts.

| Current | | Notified | |
|----------|--------------------------|--------------|------------|
| Precinct | Height (m) | New Precinct | Height (m) |
| 1 | 12 | 4,2 | 24/12 |
| 2 | 14-15.5 | 4 | 24 |
| 3 | 8 | 1,2 | 8/12 |
| 4 | 12 | 3,2 | 20/12 |
| 5 | 12 | 2,3 | 12/20 |
| 6 | 12 | 4 | 24 |
| 7 | 11-14 above 327.1masl | 3 | 20 |

5.80 No changes are proposed, as notified, to the activity status for breaches of this rule. Any breaches of heights stipulated in Rule 12.5.9 continue to require a non complying activity resource consent.

Matters raised by submitters

5.81 A mix of submissions were received, generally in support of the proposed changes to Rule 12.5.9. Of those in support, 20 submissions³² were supportive of a particular site being included in the Height Precinct Plan and associated height. Of the submissions in opposition, the main reasons were: heights notified were too high in general, too low on specific sites, the naming of the rule, location where height should be measured from, and activity status.

5.82 **HUD** (800) request that the zoning provisions for the Town Centre be reconsidered to be more enabling of development with a focus on increased height limits and that in the areas where intensification is being provided for, a much more enabling approach is needed.

5.83 Kopuwai Investments Limited (995) supports the notified 8m height limit within Height Precinct 1 but seek a bespoke rule for 88 Beach Street that provides for an

32 These include submissions 994, 998, 1000, 1005, 1006.

overall height limit of 11m and a 4m minimum building setback to any building that exceed a height of 8m from the ground level. This is opposed by the further submission by Carter Group (1337). The only reasoning that Kopuwai Investments Limited provides is due to the size of the site (and Steamer Wharf as a whole). I note that this submission point relates to two separate rules as notified but I have addressed together as the outcomes of the height will influence the setback at upper levels.

5.84 Man Street Properties Limited (991) and Cactus Kiwi NZ Limited Partnership (1004) both support the 20m height limit proposed for Precinct 3 but oppose the location from which the height limit will be measured, noting that under the PDP, building height is derived from the 'ground level'. Submitters seek that building height is measured from a fixed datum point on the site. Examples are provided from multiple sites along Man Street that indicate that the original ground level is well below the existing ground level on the site, and the original ground level falls away steeply in a south-easterly direction. This relief is opposed by three Further Submissions (1335, 1336, 1337) who consider that the way height limits apply should be consistently applied for sites across the Town Centre, this includes where development has already been constructed that has changed the underlying lay of the land over time.

5.85 THOM Limited (1168) seeks a number of amendments to the notified provisions, these include:

- (a) That, within the QTC (Height Precinct P1(iv)), building height above ground level be permitted up to 16.5m, RDA between 16.5m and 24m, and discretionary above 24m, with possible bespoke horizontal plane standards similar to (but higher than) the operative provisions;
- (b) That, within the QTC (Height Precinct P1(iv)), there be no maximum building height, with any breaches to the standards resulting in either controlled, restricted discretionary, or discretionary activity status; and
- (c) That, within the QTC (Height Precinct P1(iv)), buildings up to 16.5m height or compliant with horizontal height plane standards not be allowed to be notified or served on affected parties.

- 5.86** THOM provides the same reasoning for all these requests that "the proposed provisions opposed by this submission will frustrate the intent of the NPSUD, will add further complexity and cost to the development process, and are not needed." These submission points are supported by further submission by Elaine and Mahmoud Ashourian (1324).

Assessment

- 5.87** Acknowledging that the QTCZ has the highest levels of accessibility and relative demand across the district, Section 6.2.4 of the Urban Design report attached to the s32 Report provides a recommendation on the height limits for QTC with a height limit of 6 storeys-24m concentrated in blocks adjacent to Stanley and Shotover Streets away from the historic core and away from the historic core and key public open space. Building heights should then transition down from this in surrounding blocks to recognise a slight reduction in accessibility, provide an appropriate interface with the historic core of the town centre and surrounding residential uses, and retain an appropriate level of sunlight in key open spaces of the Village Green, Earnslaw Park, Marine Parade and the grounds of St Peter's Anglican Church. I have read and agree with the methodology and reasoning discussed in Section 6 of the Urban Design Report which supports and justifies the increased heights enabled by the variation. Enabling a height limit of 24m would also clearly signal QTC as the "highest order" centre across the District whilst remaining firmly in a "mid-rise" / human-scaled height range.
- 5.88** In Section 6³³ of her evidence, Ms Fairgray supports greater heights from an economic perspective noting that increases in building heights may increase the feasibility of development, provided there is sufficient market demand to take up the added dwelling capacity or additional floorspace. Increased heights enable greater dwelling yields to be achieved, which help to offset the higher land and development costs. An examination of the construction costs per unit of vertically attached apartment dwellings indicates that these are highest for three to four-storey buildings.

- 5.89** I have considered the submissions³⁴ that sought reduced heights or maintaining status quo heights in the QTCZ. The increased heights and resultant increase of capacity for mixed use activity within the existing town centre will contribute to the commitment to economic development in the PDP, particularly PDP SO 3.2.1 and the development of a prosperous, resilient and equitable economy in the District. It will reinforce the QTCZ as the centre of tourism by lifting its capacity for tourism activity as well permanent residential development.
- 5.90** In Section 5 of her evidence, Ms Fairgray acknowledges that the commercial feasibility of some higher density development in the QTCZ may be limited under the UIV in areas of lowest height provision. Ms Fairgray's modelling has indicated that the feasibility of development in these locations is limited by the lower potential dwelling yields in relation to the costs of redevelopment. However, she notes that some parcels may still redevelop, but with higher-end dwellings or space offered to the market at a higher price to offset the higher relative costs of their development. Therefore this may be a viable option within the QTC due to the significant component of demand for higher value dwellings.
- 5.91** Ms Fairgray is of the view that the commercial feasibility of higher density development in other parts of the QTC may be further increased with greater height allowances. Feasibility is likely to increase with height up to the point of market demand, with further increases in feasibility less likely.
- 5.92** Also of relevance when considering these submissions is Objective 4 and Policy 6 of the NPS-UD that recognise that while changes to existing built form may detract from amenity values appreciated by some people, they may also improve amenity values appreciated by other people, communities and future generations. These changes to urban built form are not, of themselves, an adverse effect. Impacts on some people's existing expectation of amenity is an unavoidable trade-off of enabling greater intensification and giving effect to the NPS-UD.
- 5.93** I have considered the economic evidence alongside the Accessibility and Demand Analysis and Urban Design Report which assesses the heights and densities

34 These include submissions 10, 431, 536, 509, 1074.

appropriate for the area to reflect the policy focus of the NPS-UD. A height limit of 24m also clearly signals QTCZ as the "highest order" centre across the District whilst remaining firmly in a "mid-rise" / human-scaled height range.³⁵

5.94 Subject to PDP Rule 12.4.7, urban design related matters can continue to be appropriately addressed by assessing the external appearance and the impact of all buildings in the QTCZ under the restricted discretionary framework. Mr Wallace in his expert evidence considers the parameters for the height as notified in Rule 12.5.9 to be appropriate given the level of accessibility and relative demand of the QTCZ, as well as ensuring appropriate amenity outcomes for residents, visitors, adjacent sites, and the interface with the street. While a change in amenity values may be experienced as the intensity of development changes over time, the provisions enable amenity through the provision of protecting existing open spaces and high-quality design of sites and buildings (including the use of controls on heights and setbacks).

5.95 The level of intensification proposed in the QTCZ aligns with the objectives and policies of the NPS-UD, particularly Objective 1 and supporting a well-functioning urban environment. I am of the view that the heights as notified provide an appropriate balance between meeting the requirements under Policy 5 of enabling heights and density of urban form commensurate to the level of accessibility or relative demand, as well as meeting Objective 1 and Policy 1 and contributing to well-functioning urban environments. This also aligns with Strategic Objectives 3.2.3³⁶ and 3.2.4³⁷ of the PDP and recognising the character of Queenstown and its setting on the lake edge.

5.96 I do not consider that providing for greater heights in QTC (above those proposed in the notified UIV) aligns with Strategic Objective 3.2.3 and Policy 3.2.3.1³⁸ and that the District important historic heritage values, particularly the Heritage and Special Character area Precincts, are protected by ensuring development is sympathetic to those values nor achieves a built environment that provides

35 Page 37 of the Urban Design Report.

36 A quality built environment taking into account the character of individual communities.

37 The distinctive natural environments and ecosystems of the District are protected.

38 The District's important historic heritage values are protected by ensuring development is sympathetic to those values.

desirable, healthy and safe place to live, work and play.³⁹ This is supported by Heritage New Zealand Pouhere Taonga (HNZPT) (897) in their submission where they are *'generally supportive of the approach taken to seek balance between the town's character and the need to provide for housing'*.

5.97 In response to this point from Man Street Properties Limited (991) and Cactus Kiwi NZ Limited Partnership (1004), seeking the use of a fixed datum point to measure height limits from, I have relied upon the expert evidence of Mr Wallace (Urban Design). Mr Wallace modelled the relief sought by submitters of his evidence and as set out in Section 13 has no objections to the changes proposed by the submitter. In particular he considers that the relief sought does not give rise to any additional problematic shading effects, noting that additional shading generated is generally limited to the roofscape of adjacent properties. The relief sought would essentially redistribute theoretical building bulk internally to the block where it is less problematic in terms of potential visual impacts being set-back from street boundaries and obscured by other buildings.

5.98 The Further Submissions in opposition note that the use of a fixed datum point of the top of the carpark as the ground level to measure height from enables an additional 11.7m of height in the northern extent of Man Street if measured from the 327.1 masl requested. This has been addressed in Section 13 of Mr Wallace's evidence who disagrees that the potential increase (or redistribution) of height could be considered to give rise to adverse dominance effects. Mr Wallace considers that the proposed building heights remain relatively modest (at 20m) and well within what is considered a human scale of development. I agree with Mr Wallace that the overall building composition, including bulk, façade treatment and materiality and the colour and glazing can be appropriately considered through a future resource consent process for any new building in the QTCZ under Rule 12.4.7.

5.99 When considering these submissions, I acknowledge that the current Rule 12.5.9.4 (which is proposed to be deleted in the notified provisions) provides bespoke height provisions where the building height is measured from a fixed datum point.

39 Policy 3.2.2.1c of the PDP.

This responds to the topography of Height Precinct 7 (Man Street) as identified in the existing Precinct Plan. When assessing the built form that can be achieved on the site with the notified version, against the relief that the submitter is seeking, in my view, the outcomes are similar, and would still align with the PDP objectives, particularly PDP SO 3.2.3 and SOs 3.2.3.1, 3.2.3.2 and 3.2.3.2 in that the relief sought and integrating with its surrounding urban environment by retaining the overall amphitheatre approach.

- 5.100** The Urban Design Report considered 8m to be an appropriate height for the existing block bounded by Beach Street and Rees Street to protect heritage values as well as support appropriate levels of sunlight access to Earnslaw Park and the lakefront area. In my opinion, increasing the height to 11m would not support this outcome, nor would it meet Strategic Objective 3.2.3⁴⁰ or Policy 3.2.3.1 in that the District's important historic heritage values are protected.
- 5.101** I agree with Carter Group in their Further Submission that the requested 11m could create additional dominance of built form on the edge of the lake and negatively affect the buildings behind Beach Street that the submitter has not assessed.
- 5.102** I acknowledge that a larger site may provide opportunity to absorb greater heights and mitigate offsite effects, however I consider that an assessment as to whether greater heights at this location is appropriate should be assessed on its merits through a resource consent process. The recommended building height strategy that has been applied to the QTCZ, as outlined in the Urban Design Report, maintains an 'amphitheatre' type configuration that takes into consideration a number of factors including heritage core, character area, sunlight to key public places and topography. I do not agree with the submitter that height limits should be determined by the size of the site.
- 5.103** Regarding the reasoning submitted by THOM, I consider that the provisions as notified give effect to the NPS-UD as a whole, rather than just the intensification-based policies. Consideration also needs to be given to Objective 1 and Policy 1 of the NPS-UD and the direction to provide well-functioning urban environments that

40 A quality-built environment taking into account the character of individual communities.

enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future. This is relevant when considering how to provide for additional intensification. The heights as proposed also align with SO 3.2.2 and that urban growth is managed in a strategic and integrated matter and SO 3.2.3 a quality built environment taking into account the character of individual communities. I do not agree with the submitter that the provisions will add further complexity and cost as the provisions as proposed provide a more enabling framework for development than currently provided. The submitter has not provided any further detail or specific examples on how the provisions would add further complexities or costs.

5.104 It is also unclear from this submission which Precinct the submitter is referring to when referencing Height Precinct P1(iv). The notified version of Rule 12.5.9 has a maximum height limit of 8m for Height Precinct 1 and 24m for (iv), being Height Precinct 4. Therefore, I am unable to comment on the specific heights requested by the submitter. Furthermore, the submitter has not provided any further reasoning on why the height sought in the submission are considered appropriate.

5.105 In regard to providing for a staggered approach to heights, I have relied on the expert evidence of Mr Wallace to confirm that the proposed building heights are the maximum heights that are considered appropriate to provide for a well-functioning urban environment as required by the NPS-UD, as well as meeting the Strategic Objectives in the PDP. If a staggered approach was considered to be more appropriate, then this would occur for heights less than what is notified in Rule 12.5.9 and subsequently would provide more complexity and uncertainty to the provisions and a less enabling framework.

5.106 I also do not agree with the submitter that there should not be a maximum building height, with any breaches to the standards resulting in either controlled, restricted discretionary, or discretionary activity status. The Urban Design Report provides a recommended height and density based on level of accessibility and relative demand to give effect to Policy 5 of the NPS-UD, whilst providing an appropriate interface with the historic core of the town centre and surrounding residential uses and retaining an appropriate level of sunlight in key open spaces. The submitter

has not provided any evidence in support of their position that providing no maximum building height would still meet the Strategic Objectives in Chapter 3 of the PDP and also Policy 1 of the NPS-UD by contributing to a well-functioning urban environment.

5.107 Again, it is unclear what specific Precinct the submitter is referring to when seeking non-notification for buildings up to 16.5m. Notified Rule 12.5.9 provides maximum building heights. Buildings that comply with these standards would still require resource consent as a restricted discretionary activity to assess the appearance of the building but would not trigger notification or require the written approval of other persons providing that the other standards are met.⁴¹ I am of the view that infringing the height standards should be subject to the RMA notification tests, noting that this does not necessarily require notification if it is determined that the infringement does not result in adverse effects on persons. I consider that it is appropriate that notification of any breaches to Rule 12.5.9 should be considered on a case-by-case basis on their merits through the resource consent process.

5.108 Given that no further information or modelling has been provided by the submitter to demonstrate that the additional heights would be appropriate in the Zone, I do not consider that that relief sought would result in adverse effects on the environment that are not more than minor.

Recommendation

5.109 I recommend for the reasons given in the assessment, that relief sought by Carter Group (776) is accepted in part and that:

41 Subject to Rule 12.6.2.1.

- (a) The Precinct Plan is updated to include Section 2 Block XVII Town of Queenstown in Precinct 6 as shown below; and

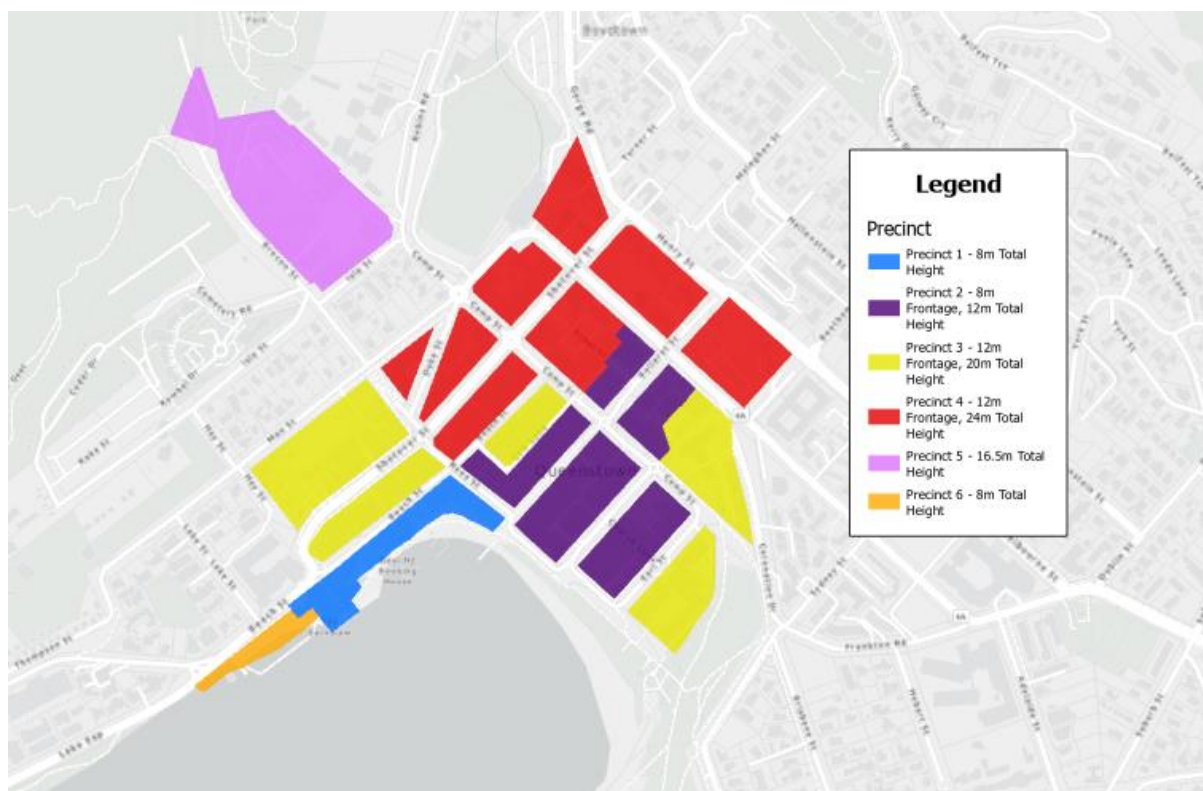


Figure 4: S42A recommended Precinct Plan

- (b) Rule 12.5.9 is updated to apply a height limit of 8m for the land zoned QTC located in Section 2 Block XVII Town of Queenstown, and the relief sought by submission points 991.11 and 1004.11 and Rule 12.5.9 be amended as follows:

S42A 12.5.9 Maximum building and facade height

For the purpose of this rule, refer to the Height Precinct Map (Figure 2 at the end of this Chapter).

12.5.9.1 Maximum height limit of:

- i. 8m in Height Precinct 1.
- ii. 12m in Height Precinct 2.
- iii. 20m in Height Precinct 3.
- iv. 24m in Height Precinct 4.
- v. 16m in Height Precinct 5.
- vi. 8m in Height Precinct 6.

- vii. In Height Precinct 3 (Man Street), in Area A shown on the Height Precinct Map, the maximum height shall be 20m, above RL 327.1 masl



Figure 5: S42A recommended Precinct Plan with identified Area A

Section 32AA Analysis

5.110 In my opinion, the amendments to the Precinct Plan and Rule 12.5.9 are more appropriate in achieving the objectives of the PDP than the notified provisions. In particular, I consider that:

- (a) The changes provide a maximum height limit for QTC-zoned land in Section 2 Block XVII Town of Queenstown and so are more efficient and effective than the notified provisions in achieving the objectives of the PDP;
- (b) As shown by 3D modelling, the recommended amendments will enable a consistent approach to building height on the site and will not have any materially greater environmental, economic, social, and cultural effects than the notified provisions.
- (c) There will be benefits from improved plan interpretation and more efficient plan administration;
- (d) The recommended amendments will not have any materially greater environmental, economic, social, and cultural effects than the notified

provisions. However, there will be benefits from improved clarity and direction provided by the amended rule and Precinct Plan.

Rule 12.5.8 Discretionary Building Height in Precinct 1, Precinct 1(A), Precinct 2, Precinct 4 and Precinct 5

5.111 The notified provisions seek to delete *Rule 12.5.8 Discretionary Building Height in Precinct 1, Precinct 1(A), Precinct 2, Precinct 4 and Precinct 5* which sets out the maximum height of Precinct 1 and recession planes for Precincts: 1 (A), 2, 4 and 5.

Matters raised by submitters

5.112 15 submissions⁴² were received in support of the deletion of Rule 12.5.8., in particular Rule 12.5.8.6. No submissions or further submissions were received in opposition to the deletion of this rule.

Recommendation

5.113 I recommend that the relief sought by the submissions and further submission in support of deleting Rule 12.5.8.6 be accepted.

Rule 12.5.8 Building height setback at upper floors

5.114 Notified Rule 12.5.8 is a new Rule to replace the various recession planes which apply above street level. The proposed rule was drafted based on the recommendation in the Urban Design Report.⁴³ The rule provides two separate standards, related to permitted floor heights for height precinct 2 (Rule 12.5.8.1) and height precincts 3 and 4 (Rule 12.5.8.2). The Rule excludes Precincts 1 and 5.

Matters raised by submitters

5.115 Acorn Mountain Trustees Limited, Clearwest Trustees Limited, Oak Wood Trustees Limited, St Marthas Trustees Limited, J F C Henderson (779.3, 779.2) support the rule in principle. The submitters consider that the proposed rule will improve urban design outcomes by removing the more domestic appearance of gabled roof forms in the Town Centre, but seek that the rule is amended to increase height from the

42 These include submission points: 1004.9, 1006.9, 1007.9, 1009.9.

43 Page 38 of the Urban Design Report.

ground level from 8m to 8.5m within Precinct 2 and exclude the sites adjoining either Searle Lane or Pedestrian Link #6.

- 5.116** The submitter notes that a building height of 8.5m would be consistent with the maximum parapet height under the ODP QTCZ rules where PDP Rules 12.5.8.7 prescribe a street front parapet height between 7.5 and 8.5m high for equivalent precincts.
- 5.117** Similarly, Reid Investment Trust (878.4) requests that the building height setback standard apply to main road frontages only, and lanes be excluded, referencing Cow Lane in particular.
- 5.118** A number of submissions were received opposing the amendments to Rule 12.5.8 in its entirety or specific parts of it. Fernhill and Sunshine Bay Community Association Incorporated Society (509.14) seek that the existing matters of discretion be retained, with public notification for any "...discretions [sic] not followed".
- 5.119** Four submissions⁴⁴ seek that the required setback in Rule 12.5.8.1 be reduced from 4m as notified to 2m, or alternatively this rule be added to Rule 12.6.2 which deals with non-notification of applications for Restricted Discretionary activities.
- 5.120** 18 submissions⁴⁵ requested that the notified setback in Rule 12.5.8.2 be reduced from 6m to 2m, or alternatively if Rule 12.5.8.2 (and by virtue Rule 12.5.8.1) is to remain as presently proposed, that this rule be added to Rule 12.6.2 which relates to non-notification of Restricted Discretionary activities.
- 5.121** The submitters consider the addition of the new 4m setback requirement to have a number of negative effects as summarised below:
- (a) The bulk of the sites located within Height Precinct 2 are small parcels of land with direct frontage to a road (or in some cases, three road

44 Submission: 1009.11, 964.11, 971.10, 973.11.

45 These include submissions 1000.11, 1004.12, 1005.10, 1006.11, 1007.11.

frontages). Once the 4m setback is applied, the remainder of the site that can achieve 12m is limited in area.

- (b) With potentially limited areas of a site that can achieve 12m in height, there will be practical and commercial reasons as to why a developer will not increase the building height to 12m (especially for small sites).
- (c) A setback of 4m is an inefficient use of a resource, especially when the Variation is seeking to intensify the QTCZ.
- (d) Existing upper-level balconies are often under-utilized due to weather conditions in the QTCZ.
- (e) A reduced setback when compared to 4m (above 8m) will likely still enable a predominantly low scale character when viewed from the immediately surrounding public environment.
- (f) Bearing in mind existing built form and the large surrounding topography and that the key public open spaces will still obtain access to sunlight (when available), a reduced setback will still maintain a degree of sunlight access to key open spaces.

5.122 Carter Group (776) seek that Rule 12.5.9 is re-named to read "building facade height and setback of upper floors". This is opposed by three Further Submissions⁴⁶ and supported by one Further Submission (FS1324.7). No reasoning was provided by the Further Submissions on why they oppose the relief sought. It is noted that the submission refers to Rule 12.5.9 but the explanation aligns more appropriately with notified Rule 12.5.8 and therefore I have assumed that the relief sought also relates to Rule 12.5.8.

Assessment

5.123 The relief sought by these submissions has been considered by Mr Wallace in Section 13 of his evidence, where he highlights that the rule has sought to balance the need to better enable more intensive development within the town centre, whilst also acknowledging some of the characteristics of the town centre.

5.124 The notified UIV provisions amended and simplified the existing building setback standard (PDP Rule 12.5.8) and reflect the increases in building heights proposed.

46 Submissions 1274, 1282, 1291.

- 5.125** In his evidence Mr Wallace does not consider that there is any need to delete the standard as currently proposed but considers merit in considering a tiered approach to the setback control where a lower standard (e.g. 3m) applies for building proposed at heights of between 12m and 16m, while the full 6m is not triggered until buildings exceed this height. If the latter is triggered, then those portions of the building between 12m and 16m would still need to be set back 6m from the street boundary to avoid an issue where "wedding cake" type building forms are encouraged. Mr Wallace notes that these can be especially problematic in terms of construction complexity / cost.
- 5.126** I agree with and rely on the evidence of Mr Wallace on the setback at upper floors. The built form standards should be considered as a package to understand the urban form outcomes, and particularly in this case the maximum heights notified for the QTCZ. Applying a tiered approach, as recommended by Mr C Wallace, in my view would still achieve the same outcome to what was notified, by ensuring that new developments, when viewed from the street, would retain the predominant "low-scale" 3 to 4 storey character and give effect to strategic objective 3.2.3⁴⁷ and particularly policy 3.2.3 by providing a planning framework that enables quality development and enhancement of the centres.
- 5.127** The rule as notified requires setback of upper floors from road boundaries. Road boundary is defined in the PDP as *"any boundary of a site abutting a legal road (other than an accessway or service land) or contiguous to a boundary of a road designation."* Road in the PDP *"Means a road as defined in section 315 of the Local Government Act 1974."* The key element of this definition is (d) vested in the council for the purpose of a road as shown on a deposited survey plan. Based on these definitions, the submitter is correct in that most of the laneways would trigger the setback as required in the rule.
- 5.128** The maps below show the location of the Pedestrian Links as identified in Figure 1 of Chapter 12 of the PDP and then the PDP planning maps. These show that some of the Pedestrian Links (numbers 4 and 6) as well as the service lanes specifically

47 A quality built environment taking into account the character of individual communities.

mentioned by the submitters currently have the same status as a road given that they don't have a zone on the planning maps and subsequently would trigger the rule. Whereas the remaining pedestrian links (numbers 1-3, 5, 7-11) have QTC zoning and subsequently would not trigger the rule.



Figure 6: Excerpt from PDP Planning Maps showing location of pedestrian links

5.129 In Section 13 of his evidence, Mr Wallace, agrees with the submissions from Acorn Mountain Trustees Limited, Clearwest Trustees Limited, Oak Wood Trustees Limited, St Marthas Trustees Limited, J F C Henderson and Reid Investment Trust and would support a refinement to 12.5.8 to exclude lanes within the Queenstown Town Centre.

5.130 In my view, excluding lanes (e.g. Searle Lane and Cow Lane) would still achieve the overall outcome sought by Objective 3.2.1 in providing a planning framework for development that is commercially feasible and contributing to a prosperous, resilient and equitable economy in the District, and promotes efficient use of land. Also, these laneways are generally much narrower in width, and therefore any additional shading from not providing setbacks at upper floors would not be

noticeable. The reduced setback would also enhance passive surveillance in the laneways.

5.131 Even though Searle and Cow Lanes and Pedestrian Link #6 are mentioned specifically, Reid Investment Trust (878.4) refers to lanes in general. Therefore, my view is to exclude all laneways to provide consistency in how the rule is being applied.

5.132 In regards to the naming of the rule, I agree with Carter Group that renaming the rule would more accurately reflect the intent of the rule which prescribes the height of the building façade at different building heights. No further reasoning was provided by the further submissions in opposition to this point.

Summary of Recommendation

5.133 I recommend for the reasons given in the assessment, that:

- (a) The relief sought by Acorn Mountain Trustees Limited, Clearwest Trustees Limited, Oak Wood Trustees Limited, St Marthas Trustees Limited, J F C Henderson (779) and Reid Investment Trust (878.4) be accepted; and
- (b) The relief sought by Carter Group (776.7) is accepted and Rule 12.5.8 is updated as follows:

S42A 12.5.8 Building *façade* height and setback ~~at~~ of upper floors

For the purpose of this rule, refer to the Height Precinct Map (Figure 2 at the end of this Chapter).

12.5.8.1 Within Precinct 2, a 4m minimum building setback from all road boundaries shall apply to the area of any building that exceeds a height of 8m from the ground level.

12.5.8.2 Within Precincts 3 and 4:

a) A 3m minimum building setback from all road boundaries shall apply to the area of any building that exceeds a height of 12m from the ground level, providing that the maximum height of the building is no greater than 16m.

b) For buildings greater than 16m in height, a 6m minimum building setback from all road boundaries shall apply to the area of any building that exceeds a height of 12m from the ground level.

Note: This rule does not apply in Precincts 1 and 5, or to boundaries adjoining Cow Lane, Searle Lane, or the pedestrian links identified in Figure 1 of this Chapter.

5.134 I recommend that the submissions in support of notified Rule 12.5.8 are accepted in part and the submissions in opposition be rejected.

Section 32AA Analysis

5.135 In my opinion, the recommended amendments to Rule 12.5.8 are more appropriate in achieving the objectives of the PDP than the notified rule. In particular, I consider that:

- (a) The amended rule heading will improve clarity of the rule and result in benefits from improved plan interpretation and more efficient plan administration.
- (b) The amendment to the rule removes the building setback requirements at upper floors along laneways only, as the outcome sought to be achieved by the setback (to limit building dominance effects) would not be discernible at street level in these locations due to the relatively narrow width of the laneways. This will increase the feasibility of development in the town centre and enable the level of intensification anticipated by this variation to be recognised, have greater economic effects and in doing so better implement SO 3.2.1.⁴⁸
- (c) The amended rule may result in minor environmental and social costs from an urban design perspective but given that the amendments only apply to pedestrian lanes, I consider that these are outweighed by the additional economic benefits and will still meet the overall outcomes sought by Objective 12.2.3 in supporting a vibrant Town Centre that continues to prosper while maintaining a reasonable level of residential amenity within and beyond the Town Centre Zone.

48 The development of a prosperous, resilient and equitable economy in the District.

- (d) The reduced setbacks at upper floors will only apply to laneways which have a dual function of service lane, some pedestrian activity, and currently provide a more enclosed pedestrian experience compared to footpaths adjoining roads.

Proposed new Rule 12.5.10 - Setback and sunlight access – sites adjoining a Residential zone and proposed new Rule 12.5.12 - Outlook Space (per unit)

- 5.136** PDP Rule 12.5.9 currently prescribes maximum height limits and recession planes for each of the Precincts. The notified changes seek to simplify the rule framework by keeping the maximum height limits in Rule 12.5.9 and introducing a new Rule 12.5.10 that prescribes setback and sunlight access and building setback for sites adjoining a Residential Zone.
- 5.137** Rules 12.5.10 and 12.5.12 as notified, are proposed new rules relating to built form to ensure residential activity is supported by appropriate on-site amenity and are compatible with the adjacent land uses. As densities increase, it is particularly important to ensure that development achieves quality design outcomes and manages the interface between residential and non-residential activities.

Matters raised by submitters

- 5.138** Southern Land (389) supports proposed new Rule 12.5.10 and two submissions oppose it (10 and 776). Carter Group (776) seek an exemption to the rule so that it does not apply where a road is located between residential and QTCZ sites. This is supported by one further submission (1324) and opposed by three further submissions (1274, 1282, 1291). The further submissions have not provided any specific reasoning on why they oppose the specific relief sought or the intention of the submission point.
- 5.139** Four submissions⁴⁹ were received in opposition to Rule 12.5.12. Two of these submissions (10, 1168) oppose the Rule in its entirety. No reasons are provided by either submitter other than a generic reasoning that the notified provisions will frustrate the intent of the NPS-UD, will add further complexity and cost to the development process, and are not needed.

49 Submissions 10, 771, 776, 1168.

- 5.140** Continuum Hotel Limited (771) and Carter Group (776) both seek amendments to Rule 12.5.12.1 so that it refers to a principal habitable room instead of principal living room / space. Carter Group also seeks that depth of habitable space is reduced to 4m. This relief needs to be assessed in conjunction with their submission points on the 'definition of habitable room' and new definition for 'principal habitable room'. This has been assessed in Section 4 of Ms Bowbyes 42A Report on Chapters 2, 4 and 7.

Assessment

- 5.141** The intention of Rule 12.5.10 is that the recession line would be taken from the boundary where the site directly adjoins a residential zone boundary.
- 5.142** There are three instances where the QTCZ directly adjoins the High Density Residential Zone as shown in the PDP Planning excerpts below.



Figure 7: Block bound by Brecon Street, Isle Street

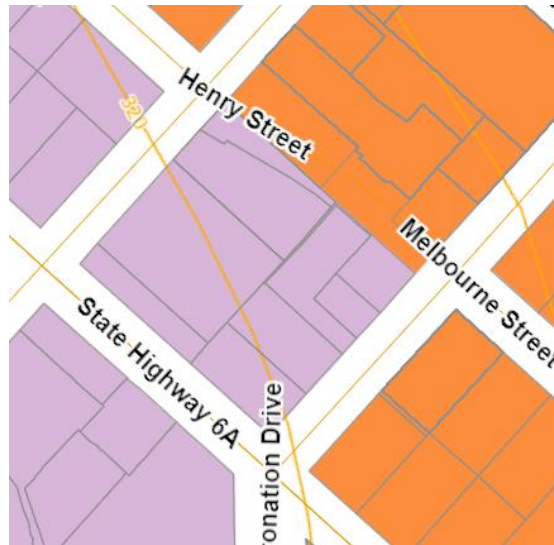


Figure 8: Block bound by Ballarat St, Hallenstein St, Betham St and SH6A.

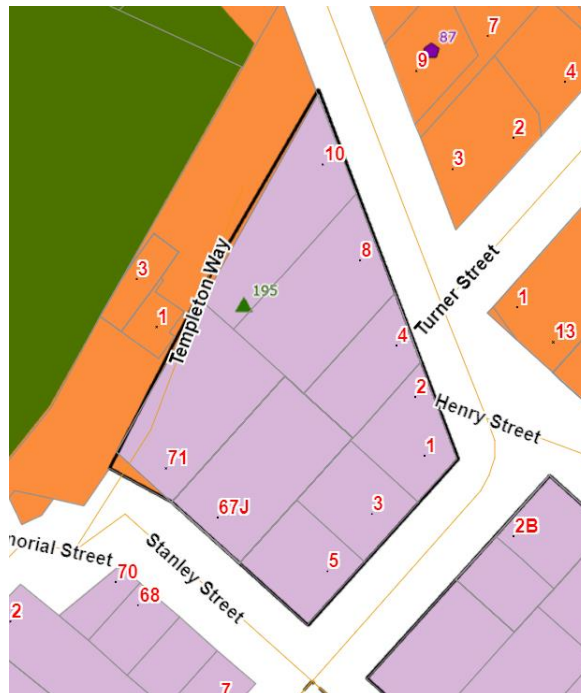


Figure 9: Block bound by Stanley St, Shotover St, and Gorge Rd

- 5.143** In instances where the site is separated from a residential zone by a road, the recession line would be measured from the applicable residential zone boundary (being on the far side of the road). Subsequently, I am of the opinion that the width of the carriageway in these instances would still provide an enabling framework and do not consider it necessary to add the exemption sought by the submitter.

- 5.144** The purpose of the outlook space rule is to provide for an appropriate level of onsite amenity for more intensive residential uses. Outlook space is important for light and amenity of the future residents and ensures some degree of separation for dwellings not orientated towards the street or other public open space, and therefore I do not consider it appropriate to promote reduced outcomes as sought by the submitters in opposition. If there are circumstances where it is not possible (or necessary) to achieve the standards, I am of the view that this should be assessed on an individual basis through a resource consent process to ensure that the level of onsite amenity provided is still acceptable.
- 5.145** I do not consider that the outlook space for a person living in the QTCZ is any less important than a person living in a residential zone, and in this regard it is appropriate for the standards in this zone to match those of the residential standards. On this basis, I have relied on the evidence of Mr C Wallace who notes that the 4m dimension' is, not overly generous and helps to reinforce a degree of separation between dwellings to provide a modest amount of privacy and views to the outside which is considered important for the well-being of occupants
- 5.146** Rules 12.5.10 and 12.5.12 give effect to SO 3.2.2 by ensuring that urban growth is managed in a strategic and integrated manner, and contribute to achieving Policy 3.2.2.1 which seeks to provide built environments that are desirable, healthy and safe places to live. These rules also support PDP Objective 12.2.3 by maintaining a reasonable level of residential amenity within the Town Centre Zone.

Summary of Recommendation

- 5.147** I recommend for the reasons given in the assessment, that the submissions in support of Rule 12.5.10 is accepted and the submissions in opposition of are rejected.

Rule 12.5.11 Minimum Ground Floor Height

- 5.148** The notified provisions propose a new rule that requires minimum ground floor heights to provide flexibility for a range of uses within the building in the future.

Matters raised by Submitters

5.149 A large number of submissions⁵⁰ were received in opposition to Rule 12.5.11 and seven further submissions.⁵¹ The majority of the submissions raise the same two points:

- (a) The Rule as notified is poorly drafted and does not specify whether it applies only to new buildings or to alterations and/or renovations to an existing building; and
- (b) If the Rule applies to alterations and/or renovations, then the submitters all oppose this rule.

5.150 Carter Group (776) seeks an exemption to the rule to exclude buildings adjoining Hay Street and Lake Street.

Assessment

5.151 I agree that the Rule is not clear on whether it applies to just new buildings or also captures alterations to existing buildings.

5.152 Mr C Wallace's evidence is that the intent of the rule was to be applied to floor-to-floor heights, rather than floor-to-ceiling given that the height of ceilings can typically vary between uses, while the floor height is fixed once built. He recommends that the wording within the standard refer to "floor-to-floor" height to align with the standard's purpose and assist with ease of application.

5.153 As outlined in Paragraph 6.4.1 of the Urban Design Report, requiring minimum floor to floor heights has a number of benefits, including greater flexibility for a range of commercial uses and avoiding a situation where the ground floor height is reduced to accommodate an extra level of residential development.

5.154 Even though I agree with the submitters that there are some circumstances where this may be impractical or unnecessary within an existing building, such as minor alteration or an addition to the rear of an existing building, I do not agree with the

50 These include submissions 64, 66, 67, 68, 70.

51 These include further submissions 1274, 1282, 1291, 1324.

relief that all alterations and/or renovations to existing buildings should be excluded.

5.155 Mr Wallace recognises that, for an addition along a street facing façade the intent and purpose of the standard would remain relevant. In his evidence, he recommends that it could be appropriate to add in a qualifier that it applies for building additions located along a street facing boundary only.

5.156 I agree with the intent of Mr Wallace’s recommendation, however in terms of its application, it becomes difficult to determine when the rule (and therefore the need for consent) is triggered. For example the trigger point could depend on the size of the additions or their location on the site. This could potentially make the rule unduly complex or uncertain. In my opinion, this is more appropriately assessed on a case-by-case basis through the resource consent process. Any non-compliances with this rule would be considered as a restricted discretionary activity which is still considered to be anticipated by the plan, and plan-enabled under the NPS-UD.⁵² Given that all buildings in the QTCZ would require resource consent for a restricted discretionary activity subject to Rule 12.4.7 anyway, I do not consider it any more onerous for any additions or alterations to also be considered on its merits through the same process.

5.157 Where buildings (including additions to existing buildings) do not comply with the minimum ground floor height through the matters of discretion the Council will be able to assess whether the proposed development will contribute to the pedestrian experience, promoting adaptability and economic viability for diverse tenants and businesses and therefore supporting a prosperous, resilient and equitable economy in the District (PDP SO 3.2.1) through well designed and appropriately located visitor industry places, facilities and services (PDP SP 3.2.1.1).

5.158 Even though not specifically sought by the submitters I consider that changing the rule so that it refers to floor-to-floor heights, rather than floor to ceiling, would partially address the concerns raised by the submitters and would provide more

52 Section 3.4(2) of the NPS-UD Meaning of plan-enabled and infrastructure ready. For the purpose of subclause (1), land is zoned for housing or for business use (as applicable) only if the housing or business use is a permitted, controlled, or restricted discretionary activity on that land.

flexibility for alterations and/or renovations to existing buildings. Floor-to-floor height is more appropriate because it provides a consistent, structural measurement used to regulate building height and number of storeys and assessed through the resource consent process. Whereas in contrast, floor-to-ceiling height varies with interior design and is more relevant to building codes and therefore the building consent process.

5.159 In Section 13 of Mr Wallace's evidence he notes that the intent of the rule was to be applied to floor-to-floor heights, rather than floor-to-ceiling given that the height of ceilings can typically vary between uses, while the floor height is fixed once built. He recommends that the wording within the standard refer to "floor-to-floor" height to align with the standard's purpose and assist with ease of application. This would also provide consistency with my assessment and recommendation for Rule 13.5.16 in regards to Minimum Ground Floor Height for WTCZ as discussed in Section starting 6.41 of this Report.

5.160 The submission by Carter Group refers to the block bound by Hay, Lake, Man and Beach Streets. This block is included within the area of land known as Lakeview (also PC50) that is currently zoned Queenstown Town Centre in the ODP and is yet to be reviewed through the District Plan review. As outlined in the Section 32 and Section 9 of Ms Bowbyes Strategic Evidence, this zone needs to be reviewed holistically and has not been included within the scope of this variation.

Summary of Recommendation

5.161 I recommend for the reasons given in the assessment, that the submission by Carter Group (776) is rejected and the other submissions in opposition of Rule 12.5.11 be accepted in part and Rule 12.5.11 is amended to read.

S42A 12.5.11 Minimum Ground Floor Height

A minimum floor to ~~ceiling~~ floor height of 4m shall apply at the ground floor level of all buildings.

Section 32AA Analysis

5.162 I consider that the proposed amendment to Rule 12.5.11 is more appropriate in achieving the objectives of the PDP than the notified provisions. In particular, I consider that:

- (a) Referring to floor-to-floor height instead of floor-to-ceiling height better aligns with the standard's purpose and assists with ease of application and provides flexibility for interior renovations;
- (b) This would also be consistent with my recommendation for Rule 13.5.16 and therefore provide further clarity and consistency within the PDP between the Town Centre Zones;
- (c) The proposed changes will future-proof the ground floor of buildings for a greater variety of uses – particularly active uses including retail and in doing so better implement Strategic Objective 3.2.1.⁵³

Rule 12.6.3 Rule – Non-Notification of Applications

5.163 Minor amendments are proposed to Rule 12.6.1 to replace Rule *Discretionary building height in Height Precinct 1 and Height Precinct 1(A)* (PDP Rule 12.5.8) with proposed new Rule *Setbacks and sunlight access – sites adjoining zone* (notified Rule 12.5.10).

Matters raised by submitters

5.164 M Harris (10) and Fernhill and Sunshine Bay Community Association Incorporated Society (509) oppose the proposed changes to Rule 12.6. Team Green Architects (139) support the notified provision which is then opposed by further submissions Arrowtown Village Association (FS1300.2). No reasons are provided by any of the submitters.

Assessment

5.165 The text proposed to be deleted from Rule 12.6.3.1 aligns with the notified amendments to height rules, which would remove the discretionary building heights in Height Precinct 1 and Height Precinct 1(A) (previous Rule 12.5.8).

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- 5.166** In regards to including reference to *Setbacks and sunlight access – sites adjoining a Residential zone* (notified Rule 12.5.10) - the submitters in opposition have not provided any further explanation or reasoning to support their position. It is noted that the amendment as notified only includes an exemption for public notification for setback and sunlight access breaches and that notice will still be served on those persons considered to be adversely affected if those persons have not given their written approval. Breaches of this nature have localised effects, and the rule aligns with the same treatment of these types of breaches in the Wānaka Town Centre Zone (Rule 13.6.3.1), Local Shopping Centre Zone (Rule 15.6.3.1), & BMUZ (Rule 16.6.3.1).

Summary of Recommendation

- 5.167** For the reasons set out in the assessment, I recommend that the relief sought by M Harris (10.64) and Fernhill and Sunshine Bay Community Association Incorporated Society (509.16) be rejected and the submission by Team Green Architects be accepted.

Chapter 12 – Other Matters

- 5.168** M Harris (10) opposes PDP Rule 12.5.13 Noise. No reason is provided. Noise limits have not been assessed as part of the notified variation. PDP Rule 12.5.13 is not proposed to be amended, other than to update cross references. It is recommended that this submission point (10.63) is rejected.

6. TOPIC 2: WĀNAKA TOWN CENTRE ZONE

- 6.1** The Wānaka Town Centre (**WTC**) is defined by the strong visual connection to its landscape setting, located in a prime lakeside setting, with spectacular views of the mountains and easy access to the lakeside, walkways and public parks. The Centre provides a diverse range of visitor accommodation and visitor related businesses. The Town Centre performed as an area of high accessibility in the Accessibility & Demand Analysis because of its access to multiple food retailers, quality open space and access to employment.

- 6.2** The PDP Strategic Objectives, particularly SO 3.2.1 and SP 3.2.1.2 recognise the Queenstown and Wānaka town centres as the hubs of New Zealand’s premier alpine visitor resorts and the District’s economy.
- 6.3** The Accessibility & Demand Analysis indicates that the accessibility and relative demand for the WTC is still high, albeit slightly lower than QTC. The Economic Assessment indicates that the Wānaka / Hāwea catchment is projected to gradually shift toward a greater share of attached dwellings, but at a slightly slower rate than the district overall.⁵⁴

Chapter 13 – General

Matters raised by submitters

- 6.4** A mix of submissions were received on Chapter 13 as a whole, rather than any specific provision. Of the submissions that were received in opposition⁵⁵ (and three further submissions), the main reasons related to protecting Wānaka’s unique context and character, height, car parking, infrastructure, shading and flood risk. The built form controls for the WTC, including height, recession planes, shading and character, have been assessed in Section starting 6.94 of this report.
- 6.5** A number of submissions⁵⁶ seek that intensification or height restrictions in the WTC are not increased until a better plan for carparking and infrastructure is in place. Similarly, R Walker (68.1) seeks that sufficient space for carparking is provided by developers.
- 6.6** A number of submissions⁵⁷ were received on location-specific areas. It appears that the main reason for these are height-specific. Unless further reasoning has been provided by the submitter, I have considered that the relief sought has been addressed under Section starting 6.104 of this report relating to maximum building heights in the WTC or covered in Ms Bowbyes’s strategic evidence .

54 Under this scenario, it ends up with 29% of long-term total demand for attached dwellings, compared to 32% for the district’s urban areas overall.

55 These include submissions 32, 344, 358, 369, 373.

56 These include submissions 8, 325, 339, 408.

57 Submission 315, 392.

Assessment

- 6.7** The Variation does not propose any amendments to carparking requirements and rules that require a prescribed number of on-site car parks can no longer be required pursuant to Policy 11 and Subpart 8 of the NPS-UD.
- 6.8** Ms Bowbyes discusses infrastructure and the overall strategy towards encouraging a shift away from vehicle dependence in Chapter 11 of her evidence. Parking strategies are non-statutory plans that guide how councils manage parking to support transport, urban development, and climate goals, while the District Plan is a statutory documents that sets legal rules for parking through land use control. The Town Centres (Queenstown and Wānaka) currently do not require onsite parking and this assists with enabling land within town centres to be used efficiently, which aligns with the intent of the NPS-UD which removed most minimum parking requirements.
- 6.9** In regard to infrastructure, I rely on the evidence of Mr Powell that confirms that the level of intensification notified for the WTC can be serviced by infrastructure through upgrades in the future if the demand arises. In Section 3 of his evidence, Mr Powell notes that to allow for the increased demand that comes with population growth, upgrades to the water and wastewater infrastructure are planned and budgeted within the LTP. Noting that the potential increased demand that the UIV could generate is unlikely to need to accelerate these projects
- 6.10** In regards to stormwater, Section 4.3.5 of the current Subdivision and Land Development Code of Practice (2025) requires development to maintain pre-development stormwater runoff rates, meaning this will not increase the flow rates entering Bullock Creek or other stormwater discharge points at the lake edge from what it receives now as a result of development from either what is currently enabled in the PDP or development under the UIV.
- 6.11** The level of intensification proposed in the WTC is also supported by Ms Fairgray's evidence that by concentrating activity into central nodes reduces the demand for

infrastructure expansion and may also result in lower costs for infrastructure provision.

6.12 I disagree with M Stuart (355) that if capacity within the WTC is required, then the low-rise building height of 2-3 stories should be retained and the WTCZ boundaries expanded. This would be contrary to PDP SO 3.2.2 and particularly SP 3.2.2.1(a) to promote a compact, well designed and integrated urban form, and PDP Policy 13.2.2.2 which discourages expansion of town centre activities. Some expansion is enabled through PDP Policy 13.2.2.1 which provides for future controlled growth opportunities through the Town Centre Transition Overlay (eastern side of Brownston St), which enables appropriate town centre activities to establish in a discrete area of residential-zoned land adjoining the Town Centre.

6.13 G Taylor (396) provided a submission by way of Consult 24, the Council's online submission tool, but appears to have some errors in regard to references of specific provisions. The submitter supports the amendments to 13.5.1 and then makes specific reference support to 13.1.1.1 and 13.1.1.2. These are not provisions in the PDP and no reference to an objective, or policy etc are given. Section 13.1 refers to Zone Purpose. Given that these have been entered under the same provision in Consult 24 – I have assumed that these relate to support to 13.5.1.1 and 13.5.1.2. Similarly for Chapter 13.5.9 and support for 13.1.2.5 and 13.1.2.6, and Chapter 13.5.10 and support for 13.1.2.7 and 13.1.2.8. The submitter generally supports the increased height as it enables intensification within the central business district and keeps density out of the suburbs. G Taylor also supports 13.5.14.1 and 13.5.14.2. G Taylor may be able to clarify the position during the hearing.

Summary of Recommendations

6.14 For the reasons set out in the assessment, I recommend that the submissions in general support of Chapter 13 are accepted in part and the submissions in opposition be rejected.

Wānaka Town Centre Character Guideline

6.15 Several submitters have either supported intensification in Wānaka subject to high quality development or sought stronger Urban Design policy. These submissions

have been received either as a broad topic on Chapter 13 or in relation to specific provisions. Subsequently, I have addressed them as a package here as they inform the policies, standards and matters of discretion discussed later in this Report.

Matters raised by submitters

6.16 A number of submissions⁵⁸ were received seeking either high quality urban design outcomes for Wānaka and/or that the character in the existing areas was protected. Specifically:

- (a) M Feary (727.5) seeks that any changes to the Wānaka Town Centre provisions that reinforce quality urban design are retained or facilitated;
- (b) S Hudson (1087.1) seeks a more focused approach to how the CBD should feel and be used which maximises its character;
- (c) C Landsborough (311) seeks that Council rewrite the proposed variation to protect Wānaka's character in the existing areas and the town centre;
- (d) Heart of Wānaka (360.1, 360.4) seek that the character guidelines should be substantially overhauled and that an urban design panel be reinstated with local designers.

6.17 N Blennerhassett (711.18) has sought that a map be provided showing Wānaka Town Centre pedestrian links similar to the map for Queenstown. No further reasoning or explanation is provided by the submitter.

Assessment

6.18 Requiring good urban design of developments promotes quality built environment outcomes. Incorporating and strengthening urban design matters in the PDP will give urban design more statutory weight, ensuring new development contribute to liveability and well-being, promote sustainability, boost economic development, promote amenity and identity and contribute to functional, safe, inclusive, and attractive places. This aligns with Objective 1 of the NPS-UD which requires councils to plan well for growth and ensure a well-functioning urban environment for all people, communities and future generations.

58 These include submissions 339, 727.5, 1087.1, 485, 311.

6.19 The PDP already contains a number of strategic objectives that support urban design outcomes, these include:

- (a) SO 3.2.2 Urban growth is managed in a strategic and integrated manner;
- (b) SO 3.2.3 A quality built environment taking into account the character of individual communities;
- (c) SO 3.2.5 The retention of the District's distinctive landscapes;
- (d) SO 3.2.6 The District's residents and communities are able to provide for their social, cultural and economic wellbeing and their health and safety.

6.20 These are also supported by the following Objectives in Chapter 13 for Wānaka Town Centre:

- (a) Objective 13.2.2 Wānaka is a compact, convenient and attractive town centre that has opportunities for controlled expansion and intensification;
- (b) Objective 13.2.3 Wānaka town centre retains a low scale built form that maintains a human scale;
- (c) Objective 13.2.4 New development achieves high quality urban design outcomes that respond to the town's built character and sense of place;
- (d) Objective 13.2.5 Appropriate limits are placed on town centre activities to minimise adverse environmental effects received both within and beyond the Town Centre;
- (e) Objective 13.2.6 Pedestrian, cycle and vehicle linkages are safe and convenient, enabling people to easily negotiate their way through and around the town centre.

6.21 These are also supported by the Wānaka Town Centre Character Guideline which sets out the vision for Wānaka being a *'relaxed yet vibrant town centre, well connected to the landscape, where locals and visitors naturally choose to congregate.'* Policies 13.2.3.1 and 13.2.3.2 specifically refer to the Wānaka Town Centre Character Guideline.

6.22 The current rule framework provides a Restricted Discretionary activity status for all buildings⁵⁹ in the WTCZ Subject to Rule 13.4.4. The guidelines are intended to

59 Building as defined in the PDP.

help interpret the objectives, policies, rules and assessment matters of the District Plan.

6.23 The Variation as notified proposes to embed more of the guidelines into the PDP, particularly into the matters of discretion for Rule 13.4.4 to give them stronger statutory weight. Wānaka Central District Property Owners Group (325) and D Crawford (339) seek that consultation be undertaken for design controls for the CBD before any conclusions are made. However, I note that neither of these submitters sought any specific relief in relation to the urban design specific matters of discretion notified as part of Rule 13.4.4. As outlined in Section 10 of Ms Bowbyes' strategic evidence, the Design Guides will be updated through a later plan change or variation. This will include a consultation process subject to Clause 34 of Schedule 1 of the RMA which will provide opportunity for feedback.

6.24 I partially agree with the Heart of Wānaka (360) submission that there is no definition of what is considered to be high quality urban design, and the Wānaka Town Centre Character Guidelines 2011 are outdated.

6.25 Heart of Wānaka has recommended using an Urban Design Panel, noting that:

Based on our extensive research, engagement and knowledge we believe that the urban design panel is a critical and necessary element in maintaining high quality urban design outcomes and should be re-instated with local designers being best able to assess development proposals rather than a review from single out of town consultants which has been the situation in recent years.

6.26 Introducing an Urban Design Panel as sought by the submitter is one method that could contribute to achieving high quality urban design and amenity outcomes as sought by this Variation. I accept that even though an Urban Design Panel provides many benefits, including facilitating good quality design outcomes for Wānaka as well as providing an applicant with additional multi-disciplinary design expertise. It is also important to recognise that an Urban Design Panel is an independent advisory body and does not have statutory decision-making powers. Such panels are generally a voluntary process and subsequently there would be no requirement

for applicants to take their development to the Panel, or to apply the recommendations. This is also emphasised on Page 3 of the Town Centre guidelines which states that *"As with the guideline, the panel's role is advisory and non-statutory, however support from the panel can be influential in the outcome of the resource consent process."* So even though the Panel could be re-established, this process would sit outside the PDP and does not have bearing on the PDP provisions.

6.27 In my opinion, to best promote quality-built environments and get greater statutory weighting and influence the resource consent process, the desired urban design outcomes for Wānaka should be a requirement in the District Plan. All buildings automatically require consent as restricted discretionary activities, subject to Rule 13.4.4, so a consent trigger is already in place. Subsequently I have recommended some amendments to the rule framework, particularly policies and assessment criteria to provide stronger direction on the urban design outcomes that are expected in the WTCZ. An Urban Design Panel can still be considered at a later date and through a separate process should the Council wish to progress with this.

6.28 To provide further policy direction on the outcomes anticipated by *Objective 13.2.3 – New development achieves high quality urban design outcomes that respond to the town's built character and sense of place*, I recommend that the core design principles of the Wānaka Town Centre Character Guideline are incorporated into the policies and matters of discretion in Chapter 13 to ensure they are appropriately considered in decision making. This approach also allows a degree of flexibility in the review of proposals so that outcomes can be considered on a case-by-case basis and consistent with the strategic objectives of the PDP.

6.29 The recommended policy framework, alongside the notified matters of discretion relating to urban design, particularly matter of discretion 13.4.4(a) *external appearance and use of materials to be sympathetic to the surrounding natural and built environment* would also partly address the following submissions:

- (a) D Crawford (339) - that the Council is empathetic to the recently built architecturally designed residential areas located around Brownston, Tenby and McDougall Streets in the Town Centre;

- (b) S Cowles (623) - that QLDC redirect planning into retaining and enhancing the Town Centre as a boutique, relaxed, people friendly area;
- (c) M Feary (727.5) - that any changes to the WTC provisions that reinforce quality urban design are retained or facilitated;
- (d) S Hudson (1087.1) - a more focused approach to how the CBD should feel and be used which maximises its character and existing;
- (e) N Wong (485) - supports Chapter 13 careful consideration and decision when it comes to building facades to be uniform and match the colour and style of existing and surrounding buildings and mountain environment;
- (f) C Landsborough (311) that Council rewrite the proposed variation to protect Wānaka's character in the existing areas and the town centre.

6.30 I consider the suite of urban design amendments proposed through the notification of the Variation, as well as the additional provisions recommended above, provide an appropriate framework to support the provision of quality amenity and design outcomes for residents and visitors in the WTC. Urban design-related matters can continue to be appropriately addressed by assessing the scale and functional design of the development under the restricted discretionary framework for buildings in the WTCZ.

6.31 The amended provisions and stronger focus on urban design is also supported by Mr Wallace as acknowledged in Section 14 of his evidence.

6.32 Also of relevance to the WTC guidelines, and in response to the submission by N Blennerhassett (711.18) seeking a pedestrian links map, the *Wānaka Town Centre Character Guideline 2011* provides direction on the outcomes that are sought for WTC and one of its core design principles being: *Retain and enhance the pedestrian and cycling connectivity and amenity of the network of streets and lanes and enhance the level of accessibility of the pedestrian network for all users including the young, the elderly and the disabled.*

6.33 The guidelines cover three elements: Wānaka's Urban Character, Building Design, and Street, Lanes and Open Spaces which all contribute to providing pedestrian

links. Pages 38 and 39 of the guidelines specifically cover pedestrian lanes, including a map showing off-street connections for pedestrians and cyclists and those with stronger pedestrian focus.

6.34 The creation of pedestrian links is also supported by various elements of the current rule framework including:

- (a) Policy 13.2.4.1 encourages consistency with the Wānaka Town Centre Character Guideline;
- (b) Rule 13.5.13 where service lanes are indicated on the District Plan web mapping application;
- (c) Rule 13.5.14 provides a maximum building coverage in relation to comprehensive developments to encourage existing and new pedestrian links to be provided through larger developments where appropriate. Also, the 75% site coverage rule for any comprehensive development (defined as having an area over 1400m²) will help achieve quality comprehensive developments, and opportunity for pedestrian links. The related matters of discretion include consideration of pedestrian links, site layout, public access in relation to building layout and open space interfaces.

6.35 Assessment criteria 13.4.4(f), as notified, provides discretion to assess *'the contribution the building makes to pedestrian flows and linkages (to be guided by the Wānaka Town Centre Character Guideline 2023).'* As part of a stronger Urban Design framework and link with the WTC guidelines, I have also recommended that a new policy be included that relates specifically to lanes that serve primarily as pedestrian connections.

6.36 The location of the linkages may change over time through development. In my view, mapping pedestrian linkages provides complexities, and my recommendation would be that these linkages are assessed on a site-by-site basis through the resource consent process.

- 6.37** Without any further information or reasoning from the submitter, I cannot see a reason to map these linkages. Furthermore, any specific examples can be captured when the Guidelines are updated as covered by Ms Bowbyes' Strategic Evidence.

Summary of Recommendation

- 6.38** I recommend for the reasons given in the assessment, that the submissions by S Hudson (1087.1) seeking a more focused approach to how the CBD should feel and be used to maximise its character be accepted and the following policies are added to chapter 13.2.3:

S42A 13.2.3.8 Ensure building design and site layout responds to the characteristics of the site, including orientation and topography, and the planned built form and amenity of the surrounding neighbourhood.

S42A 13.2.3.9 Apply the principles of Crime Prevention Through Environmental Design (CPTED) to the design of development with particular regard to high levels of passive surveillance through good visual connectivity to public place, including pedestrian laneways.

S42A 13.2.3.10 Ensure that development is of a human scale, that avoids large-scale monolithic building forms and incorporates key building components that are of a scale to limit the building dominance as viewed from street level within the town centre.

- 6.39** I also recommend that these changes are supported by the following amendments to the notified matters of discretion.

Additional Matter of Discretion in 13.4.4 Buildings:

- a) external appearance and use of materials to be sympathetic to the planned built form and amenity of the surrounding neighbourhood.
surrounding natural and built environment

Section 32AA Analysis

- 6.40** In my opinion, the additional policies are more appropriate in achieving the objectives of the PDP than the notified provisions. In particular, I consider that:

- (a) the changes embed key urban design outcomes from the WTC guidelines into the PDP to give them more statutory weight, and so are more efficient and effective than the notified provisions in achieving the objectives of the PDP. All buildings in the WTC require consent under Rule 13.4.4 and therefore the recommended policies will apply;
- (b) The recommended amendments will have greater environmental and social benefits by achieving a built environment that provides desirable, healthy and safe places to live, work and play. There will also be benefits from improved clarity and direction provided by the policy on expected urban design outcomes. Also noting that the word public place has been used deliberately in *S42A Policy 13.2.3.9* as it is clearly defined in the PDP as *“every public thoroughfare, park, reserve, lake, river or place to which the public has access with or without the payment of a fee, and which is under the control of the council, or other agencies. Excludes any trail as defined in this Plan.”* This is not to be confused with public area⁶⁰ and public space⁶¹ which are also defined in the PDP.

Chapter 13.2 Objectives and Policies

6.41 Minor amendments are proposed to objectives and policies in Chapter 13, as notified, applying to the WTCZ. These include:

- (a) Update to Objectives to include Urban Design and deletion of objective to avoid duplication;
- (b) Delete, amend or introduce new policies to reflect and support changes proposed to standards.

6.42 Dunbeth Trust (351) and J Shearer (352) oppose proposed changes to Chapter 13.2 Objectives and Policies. No further reasoning or explanation is provided. On this basis, and without further detail I recommend that these submissions are rejected.

Objective 13.2.2

60 Any part(s) of a building open to the public, but excluding any service or access areas of the building.
 61 For the purpose of Chapter 32 only. Means the parts of the district that are owned and managed by the Queenstown Lakes District Council, are accessible to the public within the Residential Arrowtown Historic Management Zone including roads, parks and reserves.

- 6.43** The notified version proposed amendments to Objective 13.2.2 to make reference to *"achieving high quality urban design outcomes."*

Matters raised by submitters

- 6.44** D Carroll (7) supports the notified amendments to Objective 13.2.2 and seeks that no concessions be granted to non-compliant activities outside the urban area. This is supported by further submission from Arrowtown Village Association (1300).
- 6.45** Seven submissions⁶² oppose the notified amendments to Objective 13.2.2. No specific decision or reasoning was provided other than retention of the character of Wānaka. G Currie (406.14) seeks that the policy should refer to achieving high quality urban design outcomes that are consistent with the existing character of Wānaka, which is characterised by low rise buildings, open spaces and sunny aspects.

Assessment

- 6.46** No changes are proposed to the activity status for development outside the Urban Growth Boundary (**UGB**). More than one residential unit in the Rural Zone remains a non-complying activity under Rule 21.4.37.
- 6.47** In my view, the WTC provisions as proposed, including density and height standards, will provide a more enabling rule framework to enable higher density development in the urban environment.
- 6.48** In particular, the notified amendments to Objective 13.2.2 provide for controlled expansion and intensification only where high-quality urban design outcomes can be achieved.
- 6.49** On land adjoining the WTCZ, controlled expansion of town centre activities is enabled via the Town Centre Transition Overlay shown on planning maps, The Overlay is located on the eastern side of Brownston St and both sides of Russell Street, on land zoned Medium Density Residential Zone. The Overlay enables the establishment of commercial activities, and since its inclusion in the PDP (in Stage 1

62 These include submissions 10, 183, 311, 533, 350.

of the plan review) new development including the food truck precinct, and expansion of Cinema Paradiso and the Breen's construction building have occurred.

- 6.50** I do not consider it appropriate to amend the objective to refer to the existing character of Wānaka as sought by G Currie (406) because this change would be contrary to the NPS-UD, particularly Objective 4 of which acknowledges urban environments develop and change over time in response to the diverse and changing needs of people, communities, and future generations. I also consider Policy 6 of the NPS-UD to be of relevance and that decision-makers are to have particular regard to the planned urban built form anticipated by the NPS-UD, and that changes in amenity are not an adverse effect. Therefore, referring to the existing character of Wānaka and low-rise buildings would be contrary to the intensification outcomes sought by the NPS-UD and this Variation.

Summary of Recommendation

- 6.51** For the reasons set out in the assessment, I recommend that the relief sought by the submissions and further submission in support of Objective 13.2.2 be accepted and those in opposition be rejected.

Objective 13.2.4 and Objective 13.2.5

- 6.52** No changes are proposed to PDP Objective 13.2.4 or 13.2.5. Heart of Wānaka (360) support Objective 13.2.4 and asks that appropriate limits are placed on town centre activities to minimise adverse environmental effects received both within and beyond the Town Centre. The submitter also supports Objective 13.2.5 and considers that particular consideration needs to be given to access to and from active transport links and also bike storage. No changes were proposed to either of these Objectives. Therefore, it is recommended that these submissions are accepted.

Policy 13.2.1.2 and Policy 13.2.1.4

- 6.53** For context, these policies sit below PDP Objective 13.2.1.⁶³ No changes are proposed to this Objective.

⁶³ Wānaka town centre remains the principal focus for commercial, administrative, cultural, entertainment and visitor activities in the Upper Clutha area.

6.54 Amendments are proposed to Policy 13.2.1.2 to include privacy, outlook space and access to sunlight.

6.55 Policy 13.2.1.4 as notified is a new policy that contributes to the vibrancy and economic prosperity of the Town Centre by providing flexibility for a range of retail and commercial activities at ground floor level. PDP Policy 13.2.1.2 supports the establishment of residential and visitor accommodation activities above ground floor level, which supports the use of the ground floor level for commercial activities.

Matters raised by submitters

6.56 P Mertlik (498) supports the proposed changes to Policy 13.2.1.2 and one submission (183) was received in opposition, but no reasoning or explanation was provided.

6.57 M Harris (10) opposes proposed changes to Policy 13.2.1.4 requesting that buildings be kept small.

Assessment

6.58 The amendments to Policy 13.2.1.2 recognise the importance of onsite amenity for residential activities and visitor accommodation with higher density development in the WTC.

6.59 Policy 13.2.1.4 is implemented via notified Rule 13.5.16 requiring minimum ground floor heights to maintain and contribute to the vibrancy and economic prosperity of the WTC.

6.60 The submitters in opposition have not provided any further detail or reasoning for their position. I consider that the amendments as notified are required to give effect to PDP SO 3.2.1, as having a vibrant and prosperous economy will support a prosperous, resilient and equitable economy. High onsite amenity will achieve a built environment that provides desirable, healthy and safe places to live.⁶⁴

64 Strategic Policy 3.2.2.1(c).

Summary of recommendation

- 6.61** For the reasons discussed in the assessment, it is recommended that *Policies 13.2.1.2 and 13.2.1.4*, remain as notified and the submissions in support are accepted and the submissions opposed are rejected.

Policy 13.2.2.3 and Policy 13.2.2.5

- 6.62** For context, these policies sit below Objective 13.2.2⁶⁵ in the PDP. Changes to this objective are discussed in Section starting 6.43 of this Report.
- 6.63** Policy 13.2.2.3, as notified, summarises the built form outcomes that are anticipated by proposed changes to building heights as discussed in sections starting 6.104 of this Report.
- 6.64** The notified amendments to Policy 13.2.2.5 acknowledge that consideration needs to be given to infringements of all built form controls, not just height.

Matters raised by submitters

- 6.65** Heart of Wānaka (360) and Talwar Trust Limited (982) support the proposed changes to Policy 13.2.2.3 and 15 submissions⁶⁶ were received in opposition. No specific reasoning or explanation was provided for proposed amendments to Policy 13.2.2.3 other than opposition to heights.
- 6.66** Talwar Trust Limited (982) and N McCarthy (1108) support Policy 13.2.2.5 and five submissions⁶⁷ in opposition. The submissions received in opposition all relate to height which has been addressed in Section starting 6.104 of this Report below.

Assessment

- 6.67** The amendments to Policy 13.2.2.3 are considered necessary to implement NPS-UD Policy 5 in the WTC within the context of the PDP (including the strategic direction in chapter 3), the strategic approach proposed by the notified variation

65 Wānaka is a compact, convenient and attractive town centre that has opportunities for controlled expansion and intensification, subject to achieving high quality urban design outcomes.

66 These include submissions 183, 352, 533, 10, 7.

67 These include submissions 7, 10, 332, 350, 533.

focusses on providing additional Plan-enabled development capacity by enabling taller buildings (rather than via expansion of the WTCZ). The notified policy describes the building heights that would be enabled through the proposed rule framework. It is noted that if the recommended heights are adopted as outlined in Section starting 6.104 of this report, this may require some further amendments to this Policy to reflect anticipated built form outcomes.

- 6.68** The reference to built form controls is clear in Policy 13.2.2.5 and I do not think it is necessary to stipulate the infringements as suggested by T Hames (332). Built form is a well-recognised term that relates to the function, shape and configuration of buildings as well as their relationship to streets and open spaces. These are prescribed in *Chapter 13.5 Rules – Standards* of the PDP and relate particularly to height, setback, sunlight access and site coverage. In addition, the term ‘built form’ is already used in the PDP, and particularly in the WTCZ (see Policies 13.2.3.3, 13.2.5.2 and Rule 13.5.6). This is not a new term being introduced through this variation. Even though it is not specifically defined in Chapter 2 of the PDP, a plain meaning is considered appropriate in this case, and I do not consider it necessary to provide a definition.
- 6.69** Policy 13.2.2.5 acknowledges that alternative outcomes can be achieved through a case-by-case assessment of resource consents where it can be demonstrated that high quality design outcomes can be achieved without significant adverse effects on amenity values.
- 6.70** The proposed policies as notified are the most appropriate way to ensure the PDP accords with Policy 1 of the NPS-UD in regards to well-functioning urban environments and gives effect to Strategic Objectives 3.2.2 and 3.2.3 in the PDP as they relate to well designed and integrated urban form and quality-built environment.

Summary of recommendation

- 6.71** For the reasons discussed in the assessment I recommend that the submissions in support of Policies 13.2.2.3 and 13.2.2.5 are accepted and those in opposition are

rejected with the exception of amendments to Policy 13.2.2.3 as discussed in Section starting 6.15 of this Report in relation to Town Centre Character Guidelines.

Policy 13.2.5.5

6.72 Policy 13.2.5.5 is a new policy, as notified, to ensure waste storage/loading does not compromise pedestrian experience.

Matters raised by submitters

6.73 N McCarthy (1108) supports proposed amendments to 13.2.5.5. M Harris (10) opposes the amendments, but no further reasoning or explanation is provided.

Assessment

6.74 The submitter in opposition has not provided any further detail or reasoning for their position. I consider that the amendments as notified are required to give effect to PDP Objective 13.2.5 and ensure pedestrian, cycle and vehicle linkages are safe. As the intensity of development in the town centre increases over time, so will the need for management of potential conflict between the pedestrian experience, and the functional need for waste to be stored and collected.

Summary of Recommendation

6.75 For the reasons given in the assessment I recommend that the relief sought by M Harris be rejected (10) and the relief sought by the submissions and further submission in support of Rule 12.4.7 be accepted.

Table 13.4 Rules – Activities

6.76 The current rule framework provides a restricted discretionary activity status for all buildings in the WTCZ. The activities Table 13.4 enables a broad range of activities that supports the creation of a vibrant mixed use environment. While there are few examples of apartments in the town centre currently, the provisions support the establishment of residential activities above ground floor level. Amendments are proposed to Rule 13.4.4, as notified, to include additional matters of discretion to provide clear expectations for development outcomes and also embed the core design principles from the Wānaka Town Centre Character guidelines into the plan.

6.77 Southern Land (389) and Talwar Trust Limited (982) support the proposed amendments to 13.4.4. M Harris (10) and B Thomson (533) oppose the changes and do not provide any further relief or explanation other than not wanting any change to Wānaka.

Assessment

6.78 The amendments proposed clarify the assessment criteria that buildings in the WTC will be assessed against. In the absence of any detail in the submissions in opposition, I consider the changes to be appropriate and necessary to give effect to PDP SO 3.2.2 and 3.2.3 and ensuring urban development takes into account the character described in the Wānaka Town Centre Character Guideline and achieves a built environment that provides a desirable place to live, work and play.

Summary of Recommendation

6.79 For the reasons outlined in the assessment, and subject to any recommended amendments outlined in this Report, I recommend that the submissions in support of Rule 13.4.4 are accepted in part, and those in opposition are rejected.

Chapter 13.5 Rules – Standards

6.80 The notified provisions proposed a number of amendments to 13.5 Rules – Standards as summarised below:

- (a) Relaxation of the sunlight admission standard for WTCZ properties that adjoin residential zones (Rule 13.5.1);
- (b) Introduction of a waste and Recycling Storage Space rule with a restricted discretionary activity status (Rule 13.5.2);
- (c) Inclusion of a building setback at upper floor levels of 4m where buildings exceed 12m in height outside of Precinct 1 and of 3m above 10m in Height Precinct 1 (Rule 13.5.9);
- (d) Increasing the maximum permitted height limit from 10m⁶⁸ to 16.5m outside of Height Precinct 1 (Rule 13.5.10);
- (e) Introduction of minimum outlook space requirements for residential units with restricted discretionary activity to breach (Rule 13.5.15);

68 To the ridge line.

- (f) Inclusion of a minimum floor height standard of 4m for ground floor levels with a restricted discretionary activity status (Rule 13.5.16).

6.81 M Burke (128.1, 128.2) and A Panting (430.1, 430.2) oppose amendments to the provisions in Section 13.5 as a whole. A Panting considers that a blanket and blinkered approach has been applied and that the variation fails to recognise that each town has its specific attributes and flaws which define its character. The submitter does not provide any specific examples in regard to Section 13.5 or recommended amendments other than Council place a hold on the proposal and take a much broader approach to urban planning. M Burke opposes the building height and relaxation of setback and daylight standards. These have been discussed in more detail in section starting 6.104 of this Report.

Assessment

6.82 The methodology used for the Variation provides an assessment against the accessibility and relative demand to ensure the urban form enabled by the District Plan meets Policy 5 of the NPS-UD. Further discussion on this approach is provided in the s32 Report and attached reports, as well as Section 7 of Ms Bowbyes' Strategic Evidence.

6.83 In addition to the notified amendments to specific rules, such as increased heights, it is important to also consider the wider policy framework as notified. For example, pursuant to Rule 13.4.4 every building in WTC automatically requires restricted discretionary activity resource consent. The matters of discretion are area specific, particularly (d) as notified, where discretion is restricted to impact on the streetscape, character and amenity and the relationship with adjoining buildings and verandas. The combination of the objectives, policies, rules and matters of discretion contribute to preserving key aspects of the town centre's character whilst also acknowledging that the NPS-UD anticipates that urban environments/character will change. I also consider Policy 6 of the NPS-UD to be of relevance and that decision-makers are to have particular regard to the planned urban built form anticipated by the NPS-UD, and that changes in amenity in of themselves are not an adverse effect.

- 6.84** In the absence of any further detail or reasoning from the submitters in opposition, I consider that the amendments as notified are required to give effect to NPS-UD, particularly Policies 1 and 5, and PDP SO 3.2.2 in that urban growth is managed in a strategic and integrated manner.

Summary of Recommendation

- 6.85** For the reasons outlined in the assessment, I recommend that the submissions by M Burke (128.1, 128.2) and A Panting (430.1, 430.2) are rejected.

Rule 13.5.2 Waste and Recycling Storage Space

- 6.86** A new rule was proposed at notification to include minimum requirements for waste and recycling storage space. Any non-compliances with this Rule are assessed as a restricted discretionary activity.

Matters raised by submitters

- 6.87** Southern Land (389.33) supports Rule 13.5.2 as notified and G Taylor (396.2, 396.16, 396.17, 396.18, 396.19) supports the rule subject to consideration of the applicant's ability to arrange rubbish collection and the frequency of that collection.
- 6.88** Andrew McIntosh of B Property Group (**B Property Group**) (778.5) and Wānaka Central JV Limited (782.3) oppose Rule 13.5.2. The reason being that the rules are very prescriptive and that they do not provide for large integrated development that arrange their own rubbish collection contract and may have more frequent collection.
- 6.89** B Property Group seeks that the rule is deleted and replaced with: *Sufficient waste and recycling storage space within the site shall be provided and adequately screened from public view.*
- 6.90** M Harris (10.74) opposes the rule as notified. No further detail or reasoning is provided by the submitter in support of their position.

Assessment

- 6.91** The inclusion of the standard recognises the importance of factoring in the location of the waste and recycling storage area at the time of building design to support functional and attractive outcomes. The wording suggested by B Property Group in my view reads more as an assessment criteria, rather than a clear, measurable requirement suitable for an enforceable method. As such I do not support the wording put forward by B Property Group.
- 6.92** I am of the view that the provision for dedicated and appropriately designed space for the storage of rubbish and recycling should remain. Any non-compliance with this standard should be considered on a case-by-case basis on the specific merits of the proposal (including the degree of departure from the minimum requirements set out in the proposed rules) through the resource consent process. This may include a comprehensive waste management proposal that demonstrates a reasonable strategy as recommended by Wānaka Central JV Limited. I note that these requirements are consistent with PDP Rule 12.5.2 for the QTCZ in the PDP. Furthermore, in conjunction with Rule 13.5.2, the proposed amendments to 13.6.2 would preclude breaches from limited and full notification. This would provide applicants a degree of certainty regarding the resource consent process for breaches.

Summary of Recommendation

- 6.93** For the reasons discussed in the assessment, it is recommended that Rule 13.5.2 remains as notified and the submissions in support are accepted and the submissions in opposition of this Rule are rejected.

Built form controls - Rules 13.5.1, Rule 13.5.10 and Rule 13.5.9

- 6.94** Submissions on Rule 13.5.1 Setbacks and sunlight access - sites adjoining a Residential zone, Rule 13.5.10 Maximum building height and Rule 13.5.9 Building height setback at upper floors are assessed below as a group as the rules are interrelated.
- 6.95** PDP Rule 13.5.1.1 currently requires building to meet a recession line angle of 34° inclined towards the site from points 3m above any residential zone boundary. The

notified amendments provide for 60° from points 8m above any residential zone boundary. The changes notified to Rule 13.5.1.2 provide clarity that the setback is applied from the Residential Zone boundary.

13.5.1 Setbacks and sunlight access – sites adjoining a Residential zone

Matters raised by submitters

- 6.96** Three submissions⁶⁹ were received in support of amendments to Rule 13.5.1. Eight submissions⁷⁰ were received in opposition. The main reasons for opposition are adverse effects on the amenity and particularly domination of built form, shading, and loss of views.
- 6.97** D Carroll (7) requests that the recession plane rules allow a maximum of 40 degree angle from a 3m height on the boundary. This is supported by the further submission by Arrowtown Village Association (1300). The reason provided by D Carroll is that 60 degree is far too steep and will fundamentally change the character of the town centre, destroying the reason visitors and residents value it.
- 6.98** Wānaka Central JV Limited (782) supports the recession line proposed in Rule 13.5.1.1 and B Property Group (778.4) seeks that Rule 13.5.1.1 is amended to refer specifically to ‘adjoining’ Residential Zone boundary.

Assessment

- 6.99** The Urban Design Report recommends an 8m + 60 degree sunlight admission recession plane as being appropriate to enable anticipated building forms whilst supporting an appropriate transition adjoining the residential zones.
- 6.100** I rely on Mr Wallace’s expert evidence. In the absence of detailed evidence or modelling from the submitter, I consider that the recession plan requested by the submitter would significantly constrain the proposed increases to permitted building heights and consequently would not give effect to the NPS-UD, as it would not enable urban intensification within the WTC which is identified in the

69 Submitters 389, 396, 782.

70 These include submissions 7, 10, 183, 375, 406.

Accessibility & Demand Analysis as having high relative demand and high accessibility.

- 6.101** In regards to the relief sought by B Property Group (778), I consider my assessment in Section starting 5.136 of this report regarding *Proposed new Rule 12.5.10 - Setback and sunlight access – sites adjoining a Residential zone* that applies to QTCZ to also be relevant here.

Summary of Recommendation

- 6.102** For the reasons discussed in Section starting 5.136 of this Report I recommend that the relief sought by B Property Group (778.4) be rejected.
- 6.103** I recommend that the submissions in support of Rule 13.5.1 as notified be accepted, and the submissions in opposition of this Rule are rejected.

Rule 13.5.10 Maximum building height

- 6.104** The notified building height rules specify the maximum permitted height for buildings in the Height Precinct P1, and the maximum permitted height for the balance of the WTCZ. Breaches of Rule 13.5.10 would require consent for a non-complying activity.
- 6.105** In summary, the notified amendments increase the permitted heights in locations outside the Height Precinct, and simplify the rules by removing the setback for upper floors, which is proposed to be amended and outlined in a separate provision, Rule 13.5.9 – Building height setback at upper floors.
- 6.106** In Height Precinct P1 the maximum permitted height would remain 12m to the eave line and 14m to the ridge line. The maximum permitted height for Height Precinct P2 and the rest of the WTCZ would be increased from the current 10m to the eave line / 12m to the ridge line⁷¹ and 8 m to the eave line / 10m to the ridge line,⁷² to 16.5m, with recess requirements for upper floors).

71 In Height precinct P2.

72 Rest of WTCZ not in Height Precincts.

Matters raised by submitters

- 6.107** Seven submissions⁷³ were received in support of the proposed heights in Rule 13.5.10. Heart of Wānaka (360) support the increase in height to 3 to 4 storeys with an additional storey recessed from the street and the retention of the 12m height limit along lower Ardmore Street.
- 6.108** A large number of submissions were received in opposition to the heights proposed in WTCZ (approximately 62 submission points).
- 6.109** A key concern and rationale for many submissions in opposition is the effects on character and amenity arising from increased permitted height. Many submitters express the view that expansion and intensification of the WTC should be kept to a minimum. Submitters state that locals and visitors to Wānaka alike appreciate the low-rise built environment of the town centre. A number of submitters suggest that the increase in heights would be more appropriately located elsewhere, like Three Parks.
- 6.110** In regards to seeking greater heights, D & K International Properties Limited Partnership (662) and Ardmore Trustee Nominee Limited (663) seek a height limit of up to 20 metres. The submitters note that this is more likely to enable a commercially viable, high-quality redevelopment. This approach is also supported by Ministry of Housing and Urban Development (800.5) that seek that the zoning provisions for the Town Centre be reconsidered to be more enabling of development with a focus on increased height limits. This is supported by further submission by Gavin Moore and Silver Creek Limited (FS1312.8).
- 6.111** D & K International Properties Limited Partnership (662) and Ardmore Trustee Nominee Limited (663) also oppose the height provisions in relation to buildings located within Height Precinct 1. The submitters own properties on Dunmore Street and seek that these are removed from Height Precinct 1 and are subject to the height limit for the wider Wānaka Town Centre Zone. The submitters acknowledge the intention of the stepped height with lower buildings along the

73 These include submissions 13, 53, 360, 389, 396.

lake front but note that these sites are not located along the lakefront on Ardmore Street.

- 6.112** H Barbour (350) seek that height restrictions are put in place between Brownston, Ardmore and Dungarvon Streets to maintain the open natural low-level beauty of the town centre.
- 6.113** Willowridge Developments, Orchard Road Holdings Limited, Three Parks Properties Limited (hereon referred to as 'Willowridge') (948.11) seek amendments to the rule to set the maximum permitted height for buildings at 12m with 16m as a restricted discretionary activity. The submission is supported by Southern Lakes Property Trust Limited (FS1285.16).

Assessment

- 6.114** The Urban Design Report acknowledges that WTC has higher levels of accessibility than the majority of the urban areas across the district behind only Queenstown Town Centre and Frankton/ Remarkables Park. The area also performs well in terms of relative demand. As such, an increase over and above existing levels of development is considered warranted to meet Policy 5 of the NPS-UD. The Report acknowledges that a lower height limit within WTC as opposed to QTC and other commercial centres around Frankton is an appropriate response to the contextual differences in the role and function of the Wānaka and Queenstown urban areas.
- 6.115** The Urban Design Report attached to the Section 32 recommends that a height limit of up to 20m could be considered commensurate with the level of accessibility/ demand as well as the Town Centre's role as the primary centre serving the Upper Clutha area. A height of 20m would generally enable development up to 5 or 6-storeys.⁷⁴

Submissions seeking greater heights overall

- 6.116** In my opinion, increasing heights to 20m as sought by D & K International Properties Limited Partnership (662) and Ardmore Trustee Nominee Limited (663)

would promote a compact urban form in the WTCZ⁷⁵ and would enable more people to live in or near the WTC to strengthen the viability and vibrancy of the centre.

6.117 Increasing heights to 20m in the WTCZ, would give effect to the broad objective of the variation in giving effect to Policy 5 the NPS-UD to better enable intensification in suitable locations within the urban environment, but also to the wider directive of the NPS-UD, to ensure a well-functioning urban environment that meet the changing needs of our diverse communities.

6.118 When considering appropriate heights for the zone, I also gave consideration to SO 3.2.1 and SP 3.2.1.2 in developing a prosperous, resilient and equitable economy along with *Chapter 13.1 Zone Purpose, Objective 13.2.3*, and the Wānaka Town Centre Character Guidelines (as incorporated by reference in policies 13.2.3.1 and 13.2.3.1) that recognise its location in a prime lakeside setting with spectacular views of the mountains and responding to the town's built character.

6.119 Increasing height limit to 20m would also address the concerns raised by the same submitters regarding notified Rule 13.5.16 Minimum Ground Floor Height (see Section starting 6.41 of this Report) where they raise concerns that requiring a minimum ground floor height of 4.0m and then a further 4 storeys above this, would result in a building height of 16.4m without accounting for the roof form. I accept the submitters' concerns that this has the potential to result in adverse built form outcomes. I note that in Mr C Wallace's evidence he has recommended a 16.5m height limit for the HDRZ which allows for floor-to-floor height of 3.1m plus an additional 1m for sloping roofs but this does not acknowledge the different floor to floor heights required for commercial uses at ground level to support mixed-use.

6.120 This is supported by Ms Fairgray in Section 5 of her evidence.

In my view, it is important that the notified UIV provisions enable a level of development that is likely to be feasible for the commercial profit-driven part of the market to deliver. It enables large increases in yield and much greater range of typologies' A critical aspect is that the increased

75 Strategic Objective 3.2.2 and supporting policy 3.2.2.1(a).

yields and potential returns from the provisions are likely to also incentivise the market to produce a more diverse range of dwelling typologies across a range of locations. The increased yields that are able to be achieved through constructing more intensive dwelling typologies as anticipated in the WTC are likely to provide greater returns to developers and encourage their construction.

- 6.121** The s32 Report considers a number of options in relation to the WTC building heights, Option 4 was considered the preferred option which applied a 16.5m building height with 4m setback of the upper floors above 12m and maintenance of the status quo height limit for Height Precinct 1. This option was considered to provide a balance between intensification and maintenance of existing character and amenity, particularly from the adjoining public spaces, including the Lake Wānaka ONL. The Section 32 report acknowledges that one of the costs of providing for 20m maximum heights in the WTCZ is that the existing 'low rise' character of the WTC may be adversely affected and also the enjoyment and attraction of the WTC for residents and visitors.
- 6.122** Whilst I agree with the s32 assessment, I also consider that (if appropriately designed) the existing low-rise character of the WTC can still be maintained when experienced at street level. This could include design methods like breaking down building mass, using varied materials, incorporating setbacks, upper storey step-backs, and active ground-level uses like shops and public spaces. Enhancing pedestrian experience through features like street furniture, landscaping, and public art ensures a more approachable and engaging environment where the full height of the development is not apparent when viewed from street level within the WTCZ.
- 6.123** Rule 13.4.4. requires all new buildings in the WTC to be assessed against matters of discretion, which includes consideration of design and the impact of a proposed building on character and amenity and the relationship with adjoining buildings, and the surrounding environment.

- 6.124** Subsequently, for buildings located outside the Height Precinct, I consider it appropriate to provide a tiered approach for heights between 16.5m and 20m to be assessed as a restricted discretionary activity with additional matters of discretion. In my opinion this would ensure that these developments are only allowed where high quality urban design outcomes are achieved. This is consistent with the recommendations outlined in the Urban Design Report attached to the s32 that identifies a number of urban design benefits from applying a stepped response to building heights based on Wānaka's unique landscape context with lower building heights enabled adjacent to the lakefront, rising as one moves away. These are outlined on Page 44 of the Urban Design report. In my view, the recommended urban design policies discussed earlier in this s42A Report, as well as existing PDP objectives provide a strong framework to be able to decline consent applications where high quality urban design outcomes are not achieved.
- 6.125** In my opinion, providing for a maximum height of 16.5m for the WTCZ, but with an additional tier to enable buildings between 16.5m and 20m as restricted discretionary activity would provide an appropriate balance of giving effect to the broader objective of the NPS-UD but also ensures adequate amenity values are achieved within intensification areas (identified as one of 3 broader aims to achieve the overall objective of the Variation in the s32⁷⁶). The matters of discretion that I recommend below will ensure that buildings between 16.5-20m are appropriately designed to avoid dominant built form. This rule will also need to be supported by a new policy that sits under Objective 13.2.3 to ensure that any buildings that are between 16.5m and 20m still meet the overall outcome that new development achieves high quality urban design outcomes that respond to the town's built character and sense of place and that the additional height would not result in shading that would adversely impact on adjoining Residential zoned land and/or public space.
- 6.126** The additional policy direction and assessment criteria as recommended through this s42A will ensure that high quality urban design outcomes are achieved that respond to the town's-built character and sense of place to align with Objectives 13.2.2 and 13.2.3 while managing effects on the environment.

6.127 I disagree with M Stuart (355.1, 355.2) that the proposed amendments will contradict the WTCZ purpose and objectives. '*Spectacular views of the mountains*⁷⁷' will still be able to be achieved in a large portion of the town centre, and access to the lakeside, walkways and public parks will be retained through existing roads, and public footpaths. The grid pattern of the roads within the Town Centre, as well as location of Pembroke Park, will continue to provide for viewshafts to the Lake as well as mountain setting even with the recommended increased height of 20m. The permeability and compact extent of the zone also means that these views can be appreciated within a very short walk. Further, the height recession plan applied at the boundary with adjoining residential zones will still remain and will influence building heights at the zone interface (in particular at the northern extent of the zone, where the WTC and residential zones are not separated by a road.)

Submissions seeking greater heights within Height Precinct 1

6.1 As shown in the figure below, Height Precinct P1 (red dotted outline) extends from Ardmore Street down along the eastern side of Dungarvon Street. No Amendments are proposed to the extent or height of Height Precinct P1, as notified. This partly addresses the relief sought by E & B Timpany (903.1) and H Barbour (350.2) that opposes any increases in building heights, particularly between Ardmore, Brownston, Helwick and Dungarvon Streets.

77 Quote from PDP Chapter 13.1 Zone Purpose

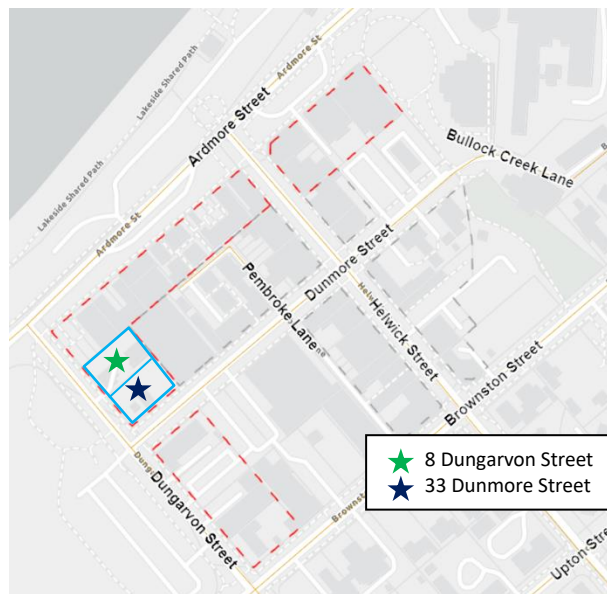


Figure 10: Extent of Height Precinct 1 and submission sites

- 6.2** D & K International Properties Limited Partnership (662) and Ardmore Trustee Nominee Limited (663) note that the proposed increased height limit of 16.5m might enable a 5 storey building to be constructed on the submission site (on 8 Dungarvon St and 33 Dunmore Street, within Height Precinct P1) which may be a more commercially viable proposition, however a 20m height limit, as recommended in the Urban Design Review, is more likely to enable a commercially viable, high quality redevelopment.
- 6.3** I agree with the submitters that enabling greater heights within Height Precinct 1 would enable more commercially feasible development in the area, however, consideration also needs to be given to how this request aligns with the height strategy recommended in the Urban Design Report. The notified strategy applies a stepped response to building heights based on Wānaka's unique landscape context with lower building heights enabled adjacent to the lakefront, rising as one moves away.
- 6.4** Mr Wallace supports the requests to increase height limits to the 16.5m as sought by Submissions 662 and 663 and agrees that as these sites are already setback from Ardmore Street that the rationale of the step down towards the lake front is less relevant.

- 6.5** I agree with Mr Wallace's assessment and that by retaining the lower heights along Ardmore Street would still create an appropriate interface with the ONL of the lake. I note that the site at 8 Dungarvon Street is currently used as a private carpark and the site at 33 Dunmore Street is currently occupied by a small, two storey building and subsequently both sites are currently being underutilised and are ripe for redevelopment. Furthermore, there are economic, social, environmental and aesthetic benefits of having greater heights fronting Pembroke Park, including amenity values for occupants as well as providing passive surveillance. and economic opportunity through development of the sites.
- 6.6** The northern boundary of 8 Dungarvon Street adjoins Bridgeman Green which is zoned Civic Space Zone, being an Open Space and Recreation Zone. This provides a development opportunity to integrate with the adjoining civic space, providing dining/patronage opportunities as well as passive surveillance. To manage built form, Rule 13.5.9.2 requires additional upper floor setback from all boundaries that adjoin a park or reserve where buildings exceed 12m in height, as well as matter of discretion 13.4.4 (g) that applies to all buildings in WTCZ and gives discretion to the provision of active street frontages and active interfaces on to open spaces on to which it fronts and, where relevant, outdoor dining/patronage opportunities. Therefore, I am of the opinion that increasing the heights of these sites to be consistent with my recommendation for the WTCZ (up to 16.5m as permitted and 20m as restricted discretionary) would be managed by the recommended policy framework to ensure future development on the site meets Objective 13.2.3 and Policy 13.2.3.2 encouraging building design that integrates with public spaces.
- 6.7** The submitters oppose the height provisions in relation to buildings located within Height Precinct 1 and/or the continued inclusion of the submission site within Height Precinct 1. Rather than just excluding the submitters sites (8 Dungarvon Street and 33 Dunmore Street) my recommendation is to remove these sites, as well as the sites fronting Dungarvon Street between Dunmore Street and Brownston Street for the same reasons discussed above but also acknowledging that there are development opportunities on a large number of these sites, being either carpark or low density development, which would result in economic, social and environmental benefits.

Submissions seeking reduction or retention of existing heights (status quo) or site specific

- 6.8** I have considered the submissions that sought reduced heights or maintaining status quo heights in WTC, as well the submissions that were received on specific location.⁷⁸
- 6.9** The submitters in opposition have not provided any evidence in support of their position and I am not persuaded that retaining existing height limits would still give effect to the NPS-UD, particularly Policies 1 and 5 in contributing to well-functioning urban environments and enabling heights and density of urban form commensurate with the greater of the level of accessibility or relative demand.
- 6.10** It is noted that even though notified Rule 13.5.10 would allow maximum building heights of 16.5m as a permitted activity, all new buildings in the WTCZ would still require resource consent for restricted discretionary activity subject to Rule 13.4.4 and an assessment against the matters of discretion outlined in 13.4.4. This includes a number of design related matters to enable an assessment of development on an individual basis through a resource consent process. Any buildings between 16.5m and 20m high would be subject to additional assessment criteria.
- 6.11** The assessment criteria as notified, incorporates key outcomes and principles from the Wānaka Town Centre Guidelines to afford them additional statutory weight. Criteria (a) and (d) as notified allow for discretion to assess external appearance and impact on the character and amenity, which would provide a similar outcome as providing a restricted discretionary activity for buildings between 12m to 16 as sought by Willowridge (948.11).

Summary of Recommendation

- 6.12** For the reasons set out in the assessment, and subject to the Hearings Panel accepting the additional Urban Design policy direction recommended in this Report, I recommend the following changes:

78 Submission 350, 903.1.

- (a) amendments to Policy 13.2.2.3 to describe the strategic approach to achieving intensification in the WTCZ:

13.2.2.3 Enable opportunities for ~~further~~ intensification of ~~development~~ in the town centre by providing ~~more generous~~ for increased building heights in the ~~Wānaka Height Precinct~~ that generally comprises, depending on the floor heights, a scale of around three to four storeys as viewed from the street, with a recessed fifth and sixth storey enabled where high urban design outcomes can be achieved.

- (b) that Rule 13.5.10 is amended as follows:

| | |
|---|--|
| <p>13.5.10 Maximum b Building height for buildings in the Wānaka Height Precinct</p> <p>13.5.10.1 In Height Precinct P1, the maximum building height shall be 12m to the eave line and 14m to the ridge line.</p> <p>13.5.10.2 In all other parts of the Town Centre Zone, <u>up to 16.5m is permitted, and the maximum restricted discretionary building height shall be building heights exceeding 16.5m to a maximum of 20m.</u></p> | <p>NC</p> <p>RD</p> <p><u>Discretion is restricted to:</u></p> <ul style="list-style-type: none"> a. <u>design of the building that avoids dominant built form and provides visual interest when viewed from short, medium and long ranges, particularly from public places and other areas where there are high levels of pedestrian activity.</u> b. <u>The screening of rooftop plant equipment and service apparatus</u> <p>NC</p> |
|---|--|

| | |
|---|--|
| <p><u>13.5.10.3 In all other parts of the Town Centre Zone, the maximum building height shall not exceed 20m.</u></p> <p>13.5.10.3 In Height Precinct P1, any fourth storey (excluding basements) and above shall be set back a minimum of 3m from the building frontage.</p> <p>13.5.10.4 In Height Precinct P2, the maximum building height shall be 10m to the eave line and 12m to the ridge line and shall comprise no more than 3 storeys, excluding basements.</p> | |
|---|--|

- (c) That Height Precinct 1 is amended to remove the following sites.



Figure 11: S42A recommended Height Precinct 1

- (d) that a new policy is included to provide policy support for S42A Rule 13.5.10 as follows:

S42A Policy 13.2.3.X

Allow buildings between 16.5m and 20m heights in the WTC in situations when:

- a) the outcome is of high quality design; and

b) the additional height would not result in shading that would adversely impact on adjoining Residential zone and/or public space or does not dominate the streetscape.

Section 32AA Analysis

6.13 In my opinion, the amended height provisions are more appropriate in achieving the objectives of the RMA, NPS-UD and PDP than the notified provisions. In particular, I consider that:

- (a) It better recognises that the sustainable use of land is achieved by enabling greater heights within the WTC and subsequently densities. Consequently, it is more efficient and effective than the notified objective in achieving the purpose of the RMA;
- (b) It enables a greater variety of homes within the WTC with good accessibility to jobs, community services, natural spaces, and open spaces and therefore more efficient and effective than the notified provisions in achieving the objectives of the NPS-UD and particularly contributing to well-functioning urban environments;
- (c) Increasing maximum heights to be more permissive, via restricted discretionary resource consent process provides a building envelope that is more commercially feasible whilst also managing any potential adverse effects through appropriate matters of discretion related to design;
- (d) provide the opportunity for consent applications to be considered on their merits, with the ability for the Council to grant or decline consent, and limited or full notification would not be precluded;
- (e) Implement PDP strategic directions, particularly, SO 3.2.1⁷⁹ and 3.2.2⁸⁰ and SP 3.2.1.2⁸¹ and 3.2.2.1.⁸²
- (f) It results in economic benefits by supporting economic activity and diversification of commercial and community activities and services

79 The development of a prosperous, resilient and equitable economy in the District.

80 Urban growth is managed in a strategic and integrated manner.

81 The Queenstown and Wānaka town centres¹ are the hubs of New Zealand's premier alpine visitor resorts and the District's economy.

82 Urban development occurs in a logical manner so as to: promote a compact, well designed and integrated urban form and ensure a mix of housing opportunities including access to housing that is more affordable for residents to live in.

within the town centre and will encourage residential apartment development within the WTC at above ground floor levels which will provide for additional housing choice in Wānaka and go some way to addressing the long-term projected. Even though the existing 'low rise' character of the WTC may be adversely affected, supporting policy and matters of discretion will ensure that new development up to 20m will only be enabled where it can be demonstrated that high quality urban design can be achieved.

- (g) New S42A Policy 13.2.3.7 is in addition to other policies recommended in this report to ensure buildings in WTC result in high quality urban design. Also noting that the word public place has been used deliberately in this s42A Policy 13.2.3.7 as it is clearly defined in the PDP as *“every public thoroughfare, park, reserve, lake, river or place to which the public has access with or without the payment of a fee, and which is under the control of the council, or other agencies. Excludes any trail as defined in this Plan.”* This is not to be confused with public area⁸³ and public space⁸⁴ which are also defined in the PDP.

Rule 13.5.9 Building Height setback at upper floors

- 6.14** Rule 13.5.9 as notified, is a new rule that proposes to introduce a building setback at upper floors. This was a recommendation from the Urban Design Report that notes that even with 20m height, sunlight can be retained in the morning on the southern of the east/west footpaths around the town centre across most of winter, consistent with the existing approach in the zone.

Matters raised by submitters

- 6.15** Four submissions⁸⁵ were received in support of Rule 13.5.9. Seven submissions⁸⁶ in opposition. The submissions in opposition were either against the Variation in its entirety, arguing that development will have significant adverse impacts on the

83 Any part(s) of a building open to the public, but excluding any service or access areas of the building
 84 For the purpose of Chapter 32 only. Means the parts of the district that are owned and managed by the Queenstown Lakes District Council, are accessible to the public within the Residential Arrowtown Historic Management Zone including roads, parks and reserves.

85 Submissions 13, 389, 396, 782.

86 These include submissions 10, 406, 533, 662, 663.

character of Wānaka, or that the extent of the setback at upper floors is considered to be a constraint on achieving a practical and commercially feasible design.

- 6.16** D & K International Properties Limited Partnership (662) and Ardmore Trustee Nominee Limited (663) seek an amendment to the Rule to add: *13.5.9.3 On corner sites where a site has more than one street, reserve or park boundary the building setbacks set out in 13.5.9.1 or 13.5.9.2 shall only apply to one boundary.*
- 6.17** B Property Group (778) seeks that the minimum building setback is deleted noting that the minimum building setback for parts of the building above 12m may result in cost prohibitive outcomes for landowners and pose unnecessary engineering and design challenges. Similarly, D & K International Properties Limited Partnership (662) and Ardmore Trustee Nominee Limited (663) seek that Rule 13.5.9 be amended to include a new matter of discretion *g. the extent to which any breach is required to enable practical and feasible building design.*

Assessment

- 6.18** Requiring a setback at upper floors has a number of benefits, as outlined on Page 45 of the Urban Design Report, particularly that new development as viewed from the street would retain the predominant "low-scale" 3 to 4 storey character which limits dominance effects.
- 6.19** I note that the Urban Design Report recommended a specified building setback of 6m from the road boundary above 12m building height with a height limit of 20m. The notified version of the Variation proposed a height limit of 16.5m for the WTCZ and subsequently reduced the building setback at upper floors to 4m. However, if the maximum height limit is increased to 20m, as recommended in this Report, then I consider it appropriate to also increase the building setback to 6m. Although this has not been specifically sought by a submitter, I consider this to be in scope as it is consequential to the change in heights. . The Urban Design Report notes that a set-back of 6m as viewed from the street could effectively "hide" around 2 additional storeys of development enabled from the increased heights and is consistent with the design approach seeking to apply to the 4th storey in the existing Precinct 1 height overlay. Also of relevance is my assessment and

recommendation on Rule 12.5.8, where based on Section 13 of Mr Wallace's evidence where he considers merit in considering a tiered approach to the setback control where a lower standard applies for building proposed at heights of between 12m and 16m, while the full 6m is not triggered until buildings exceed this height. For consistency with QTCZ, I recommend that if the Hearings Panel agree with my recommendation to increase the height of WTCZ to 20m, then a similar tiered approach is applied to the building height setback at upper floors.

6.20 On this basis, I do not consider it appropriate to reduce the setback from 4m to 2m as sought by Talwar Trust Limited (982.5). I am not persuaded that a 2m setback would be sufficient to achieve the character and human scale outcomes sought to be achieved, and described in the Wānaka Town Centre Character Guidelines. Alternatively, if Rule 13.5.9.2 (and by virtue Rule 13.5.9.1) is to remain as notified, then the submitter requests that this rule be added to Rule 13.6.2 which deals with non-notification of applications for restricted discretionary activities.

6.21 In my opinion, it is appropriate to enable a high-density development to be subject to notification tests where it infringes the built form permitted activity standards. Infringing one of these standards would mean that the development is subject to the RMA notification tests but not necessarily require notification if it is determined that the infringement does not result in adverse effects. Infringing the permitted activity standards may generate cumulative adverse effects on the acceptability of the scale and appearance of built form that can be achieved on the site, particularly if other built form standards are not met, and therefore there may be cases where adverse effects on adjoining sites are considered to be minor.

6.22 I understand the importance of providing a rule framework that enables development that is practicable and feasible, however this should not come at the compromise of high-quality urban design. Furthermore, the submitters in opposition have not provided any economic evidence to support their position regarding impacts on commercial feasibility. The matters of discretion that applications are assessed against where they are unable to meet Rule 13.5.9 still provide opportunities to reduce the prescribed setback where it can be demonstrated that the development is appropriate for the site based on its

external appearance and dominance. The matters of discretion place clear parameters on the matters to be included in any application to breach the rule, providing a high degree of certainty regarding to the consent process. Restricted Discretionary activity status also provides the opportunity for an application to be declined, if appropriate. On this basis, I consider that the restricted discretionary framework, and the notified matters of discretion are the most appropriate option. I do not consider it appropriate to include the new matter of discretion as sought by D & K International Properties Limited Partnership (662) and Ardmore Trustee Nominee Limited (663).

- 6.23** The rule sets clear parameters, which are particularly important in a high density urban environment where buildings are often adjoining. This helps with contributing to the cohesiveness of the built form.
- 6.24** In my view, deleting the minimum building setback at upper floors would not align with Objective 13.2.3 in achieving high quality urban design outcomes that respond to the town's-built character and sense of place, or Policy 13.2.3.3 which seeks to control the height, scale, appearance and location of buildings in order to achieve a built form that complements the existing patterns of development and is consistent with the amenity values of the town centre.

Summary of Recommendation

- 6.25** For the reasons discussed in the assessment, and set out in the Urban Design Report, if the Hearings Panel agree with my recommendation to increase the height of WTCZ to 20m, I also recommend that Rule 13.5.9 be amended as follows:

13.5.9 Building height setback at upper floors

13.5.9.1 In Height Precinct P1: A 3m minimum building setback from all street boundaries and boundaries that adjoin a park or reserve shall apply to the area of buildings that exceed a height of 10m from the ground level.

13.5.9.2 In all other locations:

a. 4m minimum building setback from all street boundaries and boundaries that adjoin a park or reserve shall apply to the area of buildings that exceed a height of 12m from the ground

level providing that the maximum height of the building is no greater than 16m.

b) For buildings greater than 16m in height, a 6m minimum building setback from all road boundaries shall apply to the area of any building that exceeds a height of 12m from the ground level.

- 6.26** If the Hearings Panel conclude that the height limit should be less than 20m, then I recommend that Rule 13.5.9 remains as notified and the submissions in support are accepted and the submissions in opposition of this Rule are rejected.

Section 32AA Analysis

- 6.27** In my opinion, the amended building height setback at upper floors provision is more appropriate in achieving the objectives of the PDP than the notified provisions. In particular, I consider that:

- (a) Requiring greater building setback at upper floors would align with Objective 13.2.3 in achieving high quality urban design outcomes that respond to the town's-built character and sense of place.
- (b) The amended rule would also implement the Urban Design related policies recommended in this s42A to ensure that greater building heights still achieve Policy 13.2.3.3 which seeks to control the height, scale, appearance and location of buildings in order to achieve a built form that complements the existing patterns of development and is consistent with the amenity values of the town centre.
- (c) Consistency with QTCZ provision for setback at upper floor and therefore improves plan interpretations.

Rule 13.5.12 Lighting and Glare

- 6.28** No amendments are proposed to PDP Rule 13.5.12, which outlines lighting and glare standards for the WTCZ whilst managing adverse effects on adjoining properties. Pursuant to 13.5.12.1, lighting for footpaths or pedestrian links are exempt from the requirement to direct lights away from roads and public places. This exemption assists with implementing Policy 13.2.5.3 which references CPTED principles.

Matters raised by submitters

- 6.29** Heart of Wānaka (360.13) oppose PDP Rule 13.5.12 and seek an amendment to include provision for appropriate lighting in public places to enhance safety and amenity. This relates to their guiding principle of Well Provisioned Open Space.

Assessment

- 6.30** I acknowledge the intent of the submission point, however, the purpose of *Rule 13.5.12 Lighting and Glare* seeks to restrict and limit effects on the amenity of adjoining sites, the safety of the transport network and the effects on the night sky and therefore would not be appropriate, especially as the intention of this Variation is to encourage more people to live in town and therefore need to limit nuisance effects.
- 6.31** The exclusion for exterior lighting on footpath and pedestrian link amenity lighting in Rule 13.5.12.1 acknowledges that this lighting is brighter, and may be required for pedestrian safety and wayfinding. Given that safety and amenity of public spaces features in the Wānaka Town Centre Character guidelines, it is in my view more appropriately addressed in CPTED policy and matter of discretion (contained within Rule 13.4.4(e)) to allow for assessment and ensure that the appropriate balance is reached. The recommended amendments to Matter of Discretion 13.4.4(e) outlined below, would work in conjunction with notified Rule 13.5.12.
- 6.32** The amendment that I recommend to Rule 13.4.4(e) would also be consistent with my recommendations as set out in Section 6.38, and amendment to include the content of the Wānaka Town Centre Guidelines into the WTCZ policies to afford them additional statutory weight. Including consideration of appropriate lighting in public spaces supports PDP SO 3.2.2 and SP 3.2.2.1 in achieving a built environment that provides desirable health and safe places to live, work and play.

Summary of Recommendation

- 6.33** For the reasons outlined in the assessment, I recommend that this submission point is accepted in part and matter of discretion 13.4.4(e) is updated as follows:

13.4.4 (e) the contribution the building makes to the safety of the Town Centre *and public spaces* through adherence to CPTED principles, including *consideration of appropriate lighting in public places*;

Section 32AA Analysis

6.34 In my opinion, the amendment to Rule 13.4.4 is more appropriate in achieving the objectives of the PDP than the notified provisions, and is more appropriate than the amendments put forward by the submitter. In particular, I consider that:

- (a) the change is more efficient and effective than the notified provisions in achieving SO 3.2.2 and SP 3.2.2.1 in achieving a built environment that provides desirable healthy and safe places to live, work and play. Consequently, this will result in greater environmental and social benefits;
- (b) There will also be benefits from improved clarity and direction provided by the assessment criteria on expected urban design outcomes in regard to CPTED.

Rule 13.5.15 Outlook Space (per unit)

6.35 Similar to the QTCZ, Rule 13.5.15 as notified includes the requirements for an outlook space from the primary indoor living room from a residential unit and bedrooms. This encourages building separation at upper levels as well as supporting on-site amenity for occupants.

Matters raised by submitters

6.36 Two submissions⁸⁷ were received in support and four submissions⁸⁸ in opposition. The submissions in opposition were either against the Variation in its entirety or that the additional outlook space requirements will add unnecessary complexities.

Assessment

6.37 The existing 3m building setback requirement for the WTCZ only applies where a site adjoins a Residential Zone and the PDP does not have any outdoor living

87 Submissions 396, 782.

88 Submissions 10, 406, 533, 948.

space requirements for residential and visitor accommodation activities in the WTCZ. Therefore, I do not agree with Willowridge's (948) position that outlook space is already achieved through setbacks and outdoor living space.

6.38 Outlook space has a number of benefits, as outlined in Page 46 of the Urban Design Report, and remains important for light, privacy and amenity of occupants. For the same reasons discussed in relation to QTC (section starting 5.136 of this Report), I do not consider it appropriate to promote reduced outcomes as sought by the submitters in opposition. If there are circumstances where it is not possible (or necessary) to achieve the standards, I am of the view that this should be assessed on an individual basis through a resource consent process. The notified rules require restricted discretionary activity consent for breaches to the rule, with two concise matters of discretion.

6.39 If there are circumstances where it is not possible (or necessary) to achieve the standards, then this should be assessed on an individual basis through a resource consent process.

Summary of Recommendation

6.40 For the reasons discussed in the assessment, I recommend that those submissions in support of Rule 13.5.15 be accepted, and those in opposition be rejected.

Rule 13.5.16 Minimum Ground Floor Height

6.41 Similar to the QTCZ, the notified provisions propose a new rule that requires minimum ground floor heights to provide flexibility for a range of uses within the building in the future.

Matters raised by submitters

6.42 A number of submissions⁸⁹ were received in opposition to Rule 13.5.16.

6.43 Heart of Wānaka (360.5) consider the minimum floor to ceiling heights of 4m too large in comparison to the existing scale of 2.7m and suggest this is amended to 3.5m. No further evidence is provided by the submitter.

89 These include submissions 360, 396, 533, 662.

- 6.44** D & K International Properties Limited Partnership (662.7) and Ardmore Trustee Nominee Limited (663.7) seek that in the event that the height limit in the WTC remains at 16.5m as notified, the site (33 Dunmore St) remains within Height Precinct 1 or the height limit is reduced (from the notified 16.5m) across the WTCZ then Rule 13.5.16 be deleted in its entirety.
- 6.45** Wānaka Central JV Limited (782.8) and G Taylor (396.7) support the rule but seek that floor to ceiling height be clarified and preferably specified as floor to floor height. Talwar Trust Limited (982.7) seek that the rule be rejected if it applies to building alterations and/or renovations.

Assessment

- 6.46** The Urban Design Report recommends a 4m minimum ground floor height to ensure flexibility for a range of commercial uses and accommodating increased servicing requirements. In the absence of detailed evidence from the submitter, I consider that the minimum ground floor height requested by the Heart of Wānaka (360.5) would not provide for a range of commercial uses on the ground floor or contribute to the vibrancy and economic prosperity of the Town Centre.
- 6.47** I have addressed the concerns raised by submissions D & K International Properties Limited Partnership (662.7) and Ardmore Trustee Nominee Limited (663.7) regarding application of this standard in combination with the notified height limit of 16.5m in Section starting 6.104 of this Report. The amended heights that I have recommended for the WTCZ takes into account the minimum ground floor height requirements.
- 6.48** The concerns raised by Wānaka Central JV Limited (782.8) and Talwar Trust Limited (982.7) requesting clarifications for the rule have been assessed in Section starting 5.148 of this Report regarding QTCZ. This assessment also applies to the WTCZ.

Summary of Recommendation

- 6.49** For the reasons discussed in the assessment and Section 5.161 of this Report, I recommend that the submission by Wānaka Central JV Limited (782.8) is accepted and Rule 13.5.16 is amended to reflect the corresponding rule for QTC as follows:

13.5.16 Minimum Ground Floor Height

A minimum floor to ~~ceiling~~ floor height of 4m shall apply at the ground floor level of all buildings.

- 6.50** I recommend that the submissions in support of Rule 13.5.16 are accepted, accepted in part and the submissions in opposition be rejected.

Section 32AA Analysis

- 6.51** In my opinion, the amendments to Rule 13.5.16 are more appropriate in achieving the objectives of the PDP than the notified provisions. In particular, I consider that:
- (a) Referring to floor-to-floor height instead of floor-to-ceiling height better aligns with the standard's purpose and assist with ease of application;
 - (b) These changes will future- proof the ground floor of buildings for a greater variety of uses – particularly active uses including retail and in doing so better implement Strategic Objective 3.2.1.⁹⁰

Chapter 13.6 Rules – Non-Notification of Applications

- 6.52** Rule 13.6 specifies the activities that do not require the written consent of other persons and shall not be notified or limited notified. The only notified amendment proposed to this Rule is that waste and recycling storage space is included.

Matters raised by submitters

- 6.53** Two submissions were received in opposition to Rule 13.6.2 as notified. M Harris (10.100) seeks that the proposed amendments to provision 13.6.2.3 be rejected. No further reasoning or explanation is provided by the submitter.

90 The development of a prosperous, resilient and equitable economy in the District.

6.54 B Property Group (778.6, 778.7, 778.8) seeks that the following rules are added to Rule 13.6.2 which identifies the restricted discretionary activities that cannot be limited or publicly notified:

- (a) Building height setback at upper floors (Rule 13.5.9);
- (b) Outlook Space (per unit) (Rule 13.5.15);
- (c) Minimum Ground Floor Height (Rule 13.5.16).

6.55 The submitter has not provided any further reasoning or evidence to support their position or why these rules should not require the written consent of other persons and shall not be notified or limited-notified.

Assessment

6.56 To provide context, the existing rules that are contained within 13.6.2 relate to buildings, building coverage in relation to comprehensive developments and as notified in the Variation, waste and recycling storage space.

6.57 Stage 1 of the District Plan Review confirmed the restricted discretionary activity status for new buildings with limits on notification. The s32 Evaluation Report for Wānaka Town Centre⁹¹ considers that since the matters of discretion reference the Wānaka Town Centre Guideline 2011, the statutory weight provides more certainty as to the expected standard of development. Therefore, even though every building in the WTCZ requires consent for restricted discretionary activity, to provide more certainty to applicants, it was considered appropriate to include it as part of Rule 13.6.2. The Independent Commissioners Report⁹² also agreed with the submitter on the review that the removal for the need for affected party approvals and notification for new buildings in the Town Centre would streamline decision making processes, reduce processing times and cost and limit consenting risk.

6.58 The Independent Commissioners Report also recommended that Rule 13.5.13 be included to add "*building coverage in relation to comprehensive development*" for consistency and clarity.

91 <https://www.qldc.govt.nz/media/t4bet0hk/pdp-s32-chapter-13-wanaka-town-centre-aug-2015.pdf>

92 Independent Commissioners Report Regarding Chapter 12, Chapter 13, Chapter 14, Chapter 15, Chapter 16 and Chapter 17.

- 6.59** In my view, building height setback at upper floors, contributes to the acceptable level of built form on the site and its interface with the surrounding environment and any non-compliances may result in adverse effects off site that are considered to be more than minor.
- 6.60** In regard to outlook space and minimum ground floor height, I am of the view that any potential adverse effects associated with this non-compliance are relatively well understood and generally contained within the boundaries of the site. However, I still consider that infringing either one of these standards should be assessed on a site-by-site basis subject to the RMA notification tests but noting that they may not necessarily require notification if it is determined that the infringement does not result in adverse effects on persons. There may be an instance where a non-compliance with either one of the standards individually is considered acceptable, however infringing a number of the permitted activity standards may generate cumulative adverse effects on the acceptability of the scale and appearance of built form that can be achieved on the site.
- 6.61** Given that neither *Rule 13.5.9 Building height setback at upper floors* or *Rule 13.5.15 Outlook Space* have clear guidance on the design outcomes, like reference to the Wānaka Town Centre Guidelines, , I do not consider it appropriate to include these in Rule 13.6.2.
- 6.62** However, I do consider that the effects of a breach to either of these rules would be localised, and such that affected properties could be identified for limited notification. Therefore, I consider it more appropriate to include Rules 13.5.9, 13.5.15 and 13.5.16 in 13.6.3 which includes Restricted Discretionary activities that 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.

Summary of Recommendation

- 6.63** For the reasons discussed in the assessment, I consider that the submission by B Property Group and M Harris be accepted in part and Rule 13.6.3 is updated as follows:

13.6.3 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:

13.6.3.1 Setbacks and sunlight access – sites adjoining a Residential zone.

13.6.3.2 Building height setback at upper floors (Rule 13.5.9)

13.6.3.3 Outlook Space (per unit) (Rule 13.5.15)

13.6.3.4 Minimum Ground Floor Height (Rule 13.5.16).

Section 32AA Analysis

6.64 In my opinion, the amendments to Rule 13.6.3 are more appropriate in achieving the objectives of the PDP than the notified provisions. I consider that this will still achieve a built environment anticipated for the zone, and recognise that any effects of non-compliances would be localised. This will provide for a more efficient resource consent process giving Applicants more clarity and certainty and will result in a more efficient consenting process.

7. TOPIC 3: BUSINESS MIXED USE ZONE

7.1 The purpose of the Business Mixed Use Zone (**BMU**) is to provide for complementary uses that supplement the activities and services provided by town centres.

7.2 The key changes proposed by the notified variation for the BMUZ are outlined below:

- (a) Change to Zone Purpose to reflect that increased height is not just enabled in the BMUZ located in Queenstown (16.1);
- (b) Amendment to objective 16.2.2 – to include reference to infrastructure, stormwater and mode shift;
- (c) Add new policy 16.2.2.1 – mode shift;
- (d) Add new policy 16.2.2.2 – stormwater;
- (e) Amendment to policies 16.2.2.9 and 16.2.4.2 – regarding revised approach to height provisions;

- (f) Amend matter of discretion for residential units to include outlook space (16.4.4(h));
- (g) Inclusion of the adequate provision and screening of loading and servicing areas, including waste and recycling storage and collection space as a matter of discretion for buildings (16.4.4(i));
- (h) Add matter of discretion for residential units: low impact stormwater design. (16.4.4(j));
- (i) Increase of the maximum building height from 12m to 16.5m in Wānaka and from 15m to 16.5m at Frankton Marina, with the maximum building heights at Queenstown and Frankton North being retained at 20m (16.5.9);
- (j) Increase of the permitted building height from 12m to 16.5m in Queenstown and Frankton North and retaining the 12m permitted building height in Frankton Marina (16.5.8);
- (k) Change to the setbacks and sunlight admission standard where BMUZ properties adjoin residential zones (16.5.1);
- (l) Update of rule 16.6.2.2 to reflect the new building heights and 16.6.3.1 to remove "separated by a road".

Chapter 16 – General and 16.1 - Purpose

- 7.3** Amendments were notified to the BMUZ purpose to remove the word Queenstown to acknowledge that the UIV also enables significant greater building heights in business mixed use Zones outside of Queenstown as well.

Matters raised by submitters

- 7.4** Nine submissions⁹³ were received supporting the proposed changes to Chapter 16 or generally supporting the intent. 12 submissions⁹⁴ were received in opposition to all changes related to Chapter 16. The main reasons for opposition relate to heights and extent of BMUZ which are discussed later in this report.

- 7.5** Varina Pty Ltd (1038) support the proposed changes to Chapter 16.1 which outlines the purpose of the BMUZ. Five submissions were received in opposition to

93 These include submissions 32, 71, 344, 378, 373, 393.

94 These include submissions 32, 344, 358, 369, 373.

proposed amendments and that it should continue to give specific reference to Queenstown only.

Assessment

- 7.6** I consider the notified amendment to Chapter 16.1 to be necessary to reflect that greater heights are proposed to other BMUZs around the District, not just Queenstown through this Variation. I also consider that the notified and s42A recommended amendments to Chapter 16 more generally are appropriate for the reasons set out later in this Report.

Summary of Recommendation

- 7.7** For the reasons discussed in the assessment, or discussed further in this Report, I recommend that the submission points on Chapter 16 be accepted, accepted in part or rejected.

Chapter 16 – Objectives and Policies

- 7.8** Four submissions⁹⁵ were received in general support of proposed amendments to Objectives and Policies in Chapter 16.2, particularly the amendments to Policies 16.2.2.9 and 16.2.4.1 that seek to allow 16.5m buildings within the Gorge Road BMUZ. Submissions on specific policies are discussed below.

Objective 16.2.2

- 7.9** Notified amendments to Objective 16.2.2 include reference to infrastructure and roading networks when referring to minimising impact and adverse effects. Waka Kotahi, NZ Transport Agency (200) and Transpower New Zealand Limited (194) support the proposed amendments to Objective 16.2.2. This is supported by further submission by Gavin Moore, Silver Creek Limited (FS1317.2).

- 7.10** M Harris (10) opposes the proposed amendments, but no reasoning is provided.

95 Submissions 965, 977, 999, 1002.

Summary of Recommendation

- 7.11** On this basis, and lack of any planning analysis from the submission in opposition, I recommend the submissions and further submission in support of Objective 16.2.2 be accepted, and the submission by M Harris (10) be rejected.

Policy 16.2.2.1 and Policy 16.2.2.2

- 7.12** For context, these policies sit below Objective 16.2.2⁹⁶ as discussed above.
- 7.13** Policy 16.2.2.1 as notified is a new policy requiring development to provide or enhance to active transport modes to encourage mode shift.
- 7.14** Policy 16.2.2.2 as notified is a new policy requiring the design of development to provide low impact approaches to stormwater management.

Matters raised by submitters

Policy 16.2.2.1

- 7.15** Waka Kotahi, NZ Transport Agency (200) and Varina Pty Ltd (1038) support the proposed changes to Policy 16.2.2.1. Further submissions from National Public Health Service (NPHS) – Te Waipounamu (1278) and Gavin Moore, Silver Creek Limited (1317) support the submission by Waka Kotahi, NZ Transport Agency.
- 7.16** Fernhill and Sunshine Bay Community Association Incorporated Society (509) support the amendments but also seek the inclusion of vehicles.
- 7.17** Willowridge (948.14) opposes the proposed amendments, noting that providing or enhancing connections to active transport networks off-site is unreasonable and potentially difficult to achieve.

Policy 16.2.2.2

- 7.18** M Harris (10) opposes the proposed amendments to Policy 16.2.2.2, no further reasoning or explanation is provided.

96 New development achieves high quality building and urban design outcomes that minimises impacts on infrastructure and roading networks and minimises adverse effects on adjoining residential areas and public spaces.

7.19 Transpower New Zealand Limited (**Transpower**) (194) seeks specific changes to the wording of notified Policy 16.2.2.2, as shown in red below:

“Require the site layout and design of development manages adverse effects on existing and/or planned infrastructure networks or upgrades and provides low impact approaches to stormwater management through providing permeable surface areas on site and the use of a variety of stormwater management measures.”

7.20 Transpower opposes the amendments to the Policies that implement proposed Objective 16.2.2 on the basis that the amendments fail to implement the “minimise impact” part of proposed Objective 16.2.2. Transpower considers that, in response to the potential adverse effects of increased density in the zone, an amendment is necessary to, insofar as the amendment relates to the National Grid:

- (a) give effect to Policies 10 and 11 of the NPSET;
- (b) give effect to Policy 4.3.6 of the ORPS;
- (c) implement the “minimise impact” part of proposed Objective 16.2.2; and
- (d) be consistent with Policy 30.2.8.1.

Assessment

Policy 16.2.2.1

7.21 No further reasoning is provided by Fernhill and Sunshine Bay Community Association Incorporated Society on the relief they seek, and I am not clear what the submitter is seeking. The intent of this policy is to encourage mode shift through the provision of facilities and active travel connections. Given that there is already a requirement for all developments to provide vehicle access onto the roading network through Chapter 29 of the PDP, I do not consider the relief sought by the submitter to be appropriate or necessary.

7.22 In regard to the submission point by Willowridge, the policy does not explicitly state that these connections need to be offsite. The intention of this policy is that new developments should be connected to any existing (or proposed) active transport networks by providing legible and safe connections for pedestrian and cyclists to navigate their way through a development and out to the surrounding environment. This supports a multi-modal movement network and effectively

integrates a development into its surrounds. The Policy may encourage off site connections on a case-by-case basis, but only where deemed 'appropriate', not as a requirement. The wording of this policy is consistent with Policy 9.2.6.1 of the High Density Residential Zone.

Policy 16.2.2.2

- 7.23** With regard to the relief sought by Transpower, Policy 16.2.2.2 would then apply to *all* infrastructure, not just electricity transmission and distribution infrastructure. Policy 16.2.2.2 relates to low impact approaches to stormwater management only. My understanding from Transpower's submission is that their concern centres on management of reverse sensitivity effects as well as direct effects on electricity infrastructure,
- 7.24** In my view, the amendments to Policy 16.2.2.2 sought by Transpower extends beyond electricity infrastructure and could have wide-ranging untested implications for activities in the BMUZ. Policy 16.2.2.2 is not intended to address infrastructure networks or reverse sensitivity effects, rather it is on providing permeable surface areas on site and the use of a variety of stormwater management measures.
- 7.25** Even though I agree with the intent of the submission by Transpower New Zealand Limited (194), my view is that the amendments sought are more appropriately captured in District wide policies rather than replicated in each chapter.
- 7.26** PDP Chapter 2 also defines the following terms associated with the National Grid: National Grid Subdivision Corridor, National Grid Sensitive Activities, and National Grid Yard.
- 7.27** PDP maps show the location of the National Grid Transmission Line, including the associated support structures, from which the National Grid Yard (as defined in PDP Chapter 2) is measured.
- 7.28** PDP Chapter 30 – Energy & Utilities is a district-wide chapter that includes provisions that address matters related to the National Grid, including PDP

Objective 30.2.8, PDP Policies 30.2.8.2, 30.2.8.2A, 30.2.8.3. Provision 30.3.2 sets out information on National Environmental Standards and Regulations, including the Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009 (NESETA). PDP Table 30.5.3 sets out the rules for National Grid Activities, and Table 30.5.4 sets out the National Grid Standards for activities permitted in the National Grid Yard.

7.29 These existing provisions in PDP Chapter 30 apply districtwide and manage effects on the National Grid.

7.30 In addition to this, Rule 16.4.4 (buildings in BMUZ) includes the following matter of discretion:

Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the District Plan web mapping application is located within the adjacent road, and any proposed building is located within 9.5m of that road boundary, any adverse effects on that infrastructure.

7.31 In my view, the BMUZ matters of discretion discussed above, coupled with the mapped national grid (shown on Planning Maps), and the relevant provisions in PDP Chapter 30 – Energy & Utilities are appropriate to manage the reverse sensitivity effects sought by Transpower.

Summary of Recommendations

7.32 For the reasons discussed in the assessment, I recommend the following:

- (a) that those submissions in support of Policy 16.2.2.1 and Policy 16.2.2.2 be accepted, and those in opposition be rejected;

Policies 16.2.2.9, 16.2.4.2 and 16.2.2.12

7.33 For context, these policies also sit below Objective 16.2.2 in the PDP as discussed above and relate to high quality building and urban design outcomes.

7.34 Minor amendments were notified to these policies, these are summarised below:

- (a) Policy 16.2.2.9 Update reference to building height from 12m to 16.5m;

- (b) Policy 16.2.2.12 Update reference to Business Mixed Use Design Guide;
and
- (c) Policy 16.2.4.2 Update reference to building height from 15m to 16.5m.

Matters raised by submitters

- 7.35** Wimbledon Investments Limited (963) supports the proposed amendments to Policies 16.2.2.9 and 16.2.4.2, particularly as they related to Gorge Road BMUZ.
- 7.36** M Harris (10) opposes the proposed amendments to Policies 16.2.2.9, 16.2.2.12 and 16.2.4.2, noting that higher buildings are not needed and buildings should be kept small. No further explanation or reasoning is provided.

Summary of Recommendations

- 7.37** In the absence of any reasoning or evidence to support the submitter's position in opposition, I recommend the submission in support of Policies 16.2.2.9, 16.2.4.2 and 16.2.2.12 be accepted, and submissions in opposition be rejected.

Chapter 16 – Rules - Activities

Rule 16.4.4 - Buildings

- 7.38** All new buildings in the BMUZ require a restricted discretionary resource consent pursuant to Rule 16.4.4. The following amendments were notified to the matters of discretion (in summary):
- (a) Addition to existing matter of discretion to give consideration to outlook space;
 - (b) New matter of discretion on the screening of loading and servicing areas, including waste and recycling storage and collection space as a matter of discretion for buildings;
 - (c) New matter of discretion on low impact stormwater design.
- 7.39** M Harris (10) opposes the proposed amendments to Rule 16.4.4. No further reasoning or explanation is provided. On this basis, it is recommended that this submission is rejected.

Rule 16.4.19 - Activities Sensitive to Aircraft Noise

- 7.40** This is an existing rule that applies a prohibited activity status for Activities Sensitive to Aircraft Noise (**ASAN**) within the Queenstown Airport Outer Control boundary (**OCB**), which is shown as an overlay on the PDP web-mapping application. No changes are proposed to this rule as notified.
- 7.41** No.1 Hansen Road Limited (766) seeks the deletion of Rule 16.4.19 and that appropriate provisions can be included in the BMUZ chapter to enable ASAN within the OCB, with appropriate restrictions to protect the Queenstown Airport such as reverse sensitivity considerations. This is supported by further submissions from City Impact Church Queenstown Incorporated (1330) and Latitude 45 Development Limited (1332) and opposed by further submission by Queenstown Airport Corporation (1355). This position is reinforced in QAC's original submission that supports the retention of Rule 16.4.19 and the activity status of prohibited activity for prohibiting ASANs within the OCB. This is opposed by further submissions from City Impact Church Queenstown Incorporated (1330.10), No. 1 Hansen Road Limited (1331) and Latitude 45 Development Limited (1332).
- 7.42** The three further submissions consider a consenting pathway to be appropriate to manage effects of activities sensitive to airport noise within the OCB. No further evidence is provided by those three submitters on why ASANs are considered appropriate in the OCB, or what provisions would be appropriate to protect the Queenstown Airport and manage any reverse sensitivity effects other than reference to advances in technology and building materials that can achieve reduced noise environments.

Assessment

- 7.43** The Variation does not propose amendments to Rule 16.4.19 and, I am not satisfied that deleting this Rule would still align with the Strategic Objectives and Policies outlined in Chapters 3 and 4 of the PDP that recognise Queenstown Airport as regionally significant infrastructure and specify a requirement to manage the adverse effects of incompatible activities (Strategic Objective 4.2.2A, Policies 4.2.2.1 and 4.2.2.15).

Summary of Recommendations

7.44 For the reasons discussed in the assessment, I recommend that the relief sought in opposition to Rule 16.4.19 be rejected, and the relief sought by submissions in support be accepted.

Chapter 16 – Rules - Standards

7.45 A summary of the key changes notified for the standards in the BMUZ is provided below:

- (a) Amendments to setbacks and sunlight access (Rule 16.5.1);
- (b) Discretionary Building heights (Rule 16.5.8);
- (c) Maximum building heights (Rule 16.5.9);
- (d) Amend matter of discretion to include consideration of outlook space (16.4.4(h));
- (e) Inclusion of the adequate provision and screening of loading and servicing areas, including waste and recycling storage and collection space as a matter of discretion for buildings. (16.4.4(i));
- (f) Add matter of discretion for residential units: low impact stormwater design (16.4.4(j)).

Rule 16.5.1 - Setbacks and sunlight access – sites adjoining a residential zone

7.46 The operative and notified setbacks and sunlight access requirements for the BMUZ is summarised in the table below:

| Operative | Notified |
|---|--|
| 16.5.1 Setbacks and Sunlight Access – sites adjoining any Residential zone, or separated by a road from a Residential zone 16.5.1.1 Buildings on sites adjoining, or separated by a road from, a Residential zone shall not project beyond a recession line constructed at the following angles inclined towards the site from points 3m above the Residential zone boundary. | 16.5.1 Setbacks and Sunlight Access – sites adjoining any Residential zone 16.5.1.1 Buildings on sites adjoining a Residential zone shall not project beyond a recession line constructed at the following angles inclined towards the site: a. from any point 8m above the boundary with the High-Density Residential Zone or Medium |

| | |
|---|--|
| <p>45° applied on the northern boundary; and 35° applied on all other boundaries</p> <p>Any breaches require resource consent for restricted discretionary activity</p> | <p>Density Residential at 60 degrees; and b. from any point 4m above the boundary with the Lower Density Suburban Residential Zone at 60 degrees.</p> <p>Any breaches require resource consent for restricted discretionary activity</p> |
|---|--|

7.47 Notified changes to Rule 16.5.1 include amendments to where the rule applies (by removing reference to ‘or separated by a road from a Residential zone’) as well as amendments to the recession lines.

Matters raised by submitters

7.48 Varina Pty Ltd (1038) supports the proposed changes to Rule 16.5.1. Three submissions⁹⁷ were received in opposition to the proposed amendments and request that the status quo remains. No further reasoning or explanation was provided from these submitters and therefore I have assumed that these submitters oppose the rule in its entirety.

7.49 A further six submissions⁹⁸ were received in support of the notified amendments to Rule 16.5.1.1 and the relaxation of recession plane standards. No submissions or further submissions were received in opposition to this specific rule.

Assessment

7.50 The notified changes to the BMUZ provisions provide more enabling recession plane requirements where a site adjoins a residential zone, which will provide for a marginal increase in development capacity within the OCB (excluding for ASAN) as well as design flexibility. The exclusion of ASAN’s would still align with SP 3.2.2.1

97 Submissions 10, 533, 1074.

98 These include submissions 963, 977, 999, 965, 1002.

that requires urban development occur in a logical manner so as to appropriately manage effects on infrastructure (airport).

7.51 The road corridor, including berms, provide a buffer to mitigate any shading, visual dominance and loss of residential privacy effects from activities and buildings located in the BMUZ. Therefore, I consider removing reference to 'or separated by a road from a Residential zone', as notified, to be appropriate.

7.52 Rule 16.4.4 is also of relevance when considering the anticipated built form outcomes as all new buildings in the BMUZ automatically require resource consent as a restricted discretionary activity. The matters include consideration of various design elements, and are supported by assessment matters, including "*...whether the design of the building blends well with and contributes to an integrated built form and is sympathetic to the surrounding environment*" (Rule 16.4.4 Assessment Matter b).

7.53 In the absence of any detail in the submissions in opposition, I consider the changes to be the most appropriate way to achieve the enablement of intensification in accordance with the NPS-UD (via increased allowance for building height) while mitigating potential adverse effects on adjoining residential zones. I rely on Mr Wallace's expert evidence that the recession lines contribute to providing an appropriate level of amenity for the BMUZ and surrounding residential zones. I consider that the Rule as notified aligns with SOs 3.2.2⁹⁹ and 3.2.3¹⁰⁰ of the PDP and particularly SP 3.2.3.2 that the built form integrates well with its surrounding urban environment.

Summary of Recommendations

7.54 For the reasons set out in the assessment, I recommend that the relief sought in opposition to Rule 16.5.1 be rejected and the relief sought by the submissions in support of Rule 16.5.1.1 be accepted.

99 SO 3.2.2 - Urban growth is managed in a strategic and integrated manner.

100 SO 3.2.3 – A quality built environment taking into account the character of individual communities.

Rule 16.5.8 - Discretionary Building Height and Rule 16.5.9 Maximum Building Height

7.55 Rules 16.5.8 and 16.5.9 relate to heights in the BMUZ and the relief sought on these provisions is assessed together.

7.56 The current existing PDP and the notified height enabled for the BMUZ is summarised in the table below:

| BMUZ | PDP | Notified UIV |
|---|------------|---------------------|
| 16.5.8 Discretionary building Height | | |
| 16.5.8.1 Queenstown, Frankton North | 12m | 16.5m |
| 16.5.8.2 Frankton Marina (Sugar Lane) | 12m | 12m |
| 16.5.9.1 Maximum Building Height shall be | | |
| a. Queenstown | | |
| b. Wānaka | 20m | 20m |
| c. Frankton Marina | 12m | 16.5m |
| d. Frankton North | 15m | 16.5m |
| | 20m | 20m |

7.57 No changes are proposed, as notified, to the activity status for breaches of these rules. These rules work together in the following way:

- (a) Building heights up to the Discretionary Building Height in Rule 16.5.8 are permitted;
- (b) Breaches of the heights stipulated in Rule 16.5.8 require restricted discretionary activity resource consent, however if the breach exceeds the heights stipulated in Rule 16.5.9 the activity status of the breach shifts to non-complying.

Matters raised by submitters

7.58 25 submissions were received in total on Rules 16.5.8 and 16.5.9 and 12 Further submissions.

7.59 Seven submissions¹⁰¹ and one further submission (1284) were received in support of the amendments proposed to Rules 16.5.8 and 16.5.8.1.

101 These include submissions 965, 977, 999, 1002, 963.

7.60 Southern Land (389) and Varina Pty Ltd (1038) support the notified amendments to Rule 16.5.9. K Eadie (317) and Willowridge (948) support Rule 16.5.9 as far as it relates to Wānaka.

7.61 Five submissions were received in opposition to Rules 16.5.8 and 16.5.8.1.¹⁰² Six Submissions¹⁰³ were received in opposition of Rule 16.5.9. The majority of the submissions in opposition are area-specific. These are summarised below:

Queenstown/Frankton North

- (a) The Queenstown Airport Corporation (822) seeks that Rule 16.5.8 is amended so that any site within the OCB of Queenstown Airport is restricted to a building height of 12m. This is opposed by further submissions from City Impact Church Queenstown Incorporated (1330), No. 1 Hansen Road Limited (1331) and Latitude 45 Development Limited (1332) who consider the relief sought by QAC to be unduly restrictive;
- (b) Latitude 45 Development Limited (768.12) seek that the maximum height for Frankton North is removed, or alternatively if the primary relief is not accepted, then is increased to 24m. This is supported by a further submission by FII Holdings Limited (1329). Similarly, No. 1 Hansen Road Limited (766.13) seeks a height limit of 24m for 1 Hansen Road;
- (c) City Impact Church Queenstown Incorporated (775.5) seek that Rule 16.5.8 includes 3 Hansen Road;
- (d) A Sandhu (1074.17) seek that an increase of the maximum height limit be 14m in Queenstown, Frankton Marina and Frankton North;

Three Parks (Wānaka)

- (e) Southern Lakes Property Trust Limited (SLPTL) (1055) seeks that the building height of any building in the BMUZ in Three Parks up to 20m is permitted and exceeding 20m be a discretionary activity. If the increased height of 20m is not accepted as a maximum permitted activity, SLPTL seeks restricted discretionary activity status for buildings exceeding 16.5m, and discretionary activity status for buildings exceeding 20m height. This submission is supported by a further submission from Henley

102 These include submissions 10, 1055, 1105, 775, 822.
103 Submission 10, 312, 1074.

Property Limited (FS1284) noting that higher buildings should be enabled in Three Parks where the effects of increased height will be minimized as it will promote the efficient use of land;

Wānaka

- (f) N Huddleston (1105.8), T Muller (312.13) and B Thomson (533.24) opposes the increased building height in Wānaka;
- (g) N Huddleston (1105) opposes the increased building height of 16.5m in Wānaka and requests that these are tapered.

Assessment

7.62 I have considered the submitters' requests for reducing heights or maintaining status quo heights in centres. However, I note that the NPS-UD must be given effect to in the district plan (pursuant to s75(3) of the RMA) and as such heights and density commensurate with the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services are to be applied to the centres. The submissions on specific areas have been addressed below:

Queenstown/Frankton North

7.63 The only BMUZ land located within the OCB is Frankton North. The variation does not change the maximum building height for this zone, at 20m. The notified building heights as set out in Rule 16.5.8 has increased from 12m to 16.5m as a permitted activity. Rule 16.4.19 prohibits ASANs in the Queenstown Airport OCB. This rule applies to all BMUZ, including Frankton North.

7.64 The existing matters of discretion outlined in Rule 16.5.8 currently apply to building heights between 12m and 20m (for Frankton North). These do not give discretion to consider reverse sensitivity effects on the Airport. The s42A or independent commissioners report do not provide any more explanation on why reverse sensitivity effects were excluded. However, my understanding and interpretation of the objectives and policies in Chapters 3 and 4 of the PDP that set out the over-arching strategic management of growth, land use and development is that reverse sensitivity is focused on ASANs. Objective 4.2.2 A is to ensure that a compact, integrated and well-designed urban form within the Urban Growth Boundary that

is managed to ensure that the Queenstown Airport is not significantly compromised by the adverse effects of incompatible activities. This is further supported by Policies 4.2.2.15,¹⁰⁴ 4.2.2.16¹⁰⁵ and 4.2.2.17¹⁰⁶ that are focused on reverse sensitivity effects of any ASANs.

7.65 For further background information the Report of Independent Commissioners regarding Mapping of Frankton, Lake Johnson, Tucker Beach Road¹⁰⁷ when making the recommendation to rezone the area of land from rural to BMUZ at the time recommended that the provisions of ASANs should be prohibited on this site, which would otherwise be provided for in the BMUZ. This approach also aligns with my understanding.

7.66 The Queenstown Airport Corporation submission generally requests that the status quo for development density and building height is maintained in the Air Noise Boundary (**ANB**) and OCB. Increasing permitted height limits to 16.5m acknowledges Frankton North being a major employment node and performing as the second most accessible area in the Accessibility & Demand Analysis. Therefore, given that PDP Rule 16.4.19 specifies any ASANs within the Queenstown Airport OCB as a prohibited activity, I do not consider it necessary to limit buildings to 12m in this location as any reverse sensitivity effects are effectively mitigated through the existing policy and rule framework.

7.67 In the absence of any evidence by the submitter appropriately justifying its position, and how the proposed changes are appropriate in the surrounding landscape. I am not persuaded reverting to the 12m height, or increasing the height to 24m as sought by Latitude 45 Development Limited and No. 1 Hansen Road Limited would still align with SO 3.2.1¹⁰⁸ and particularly SP 3.2.1.2 - that the

104 Manage the adverse effects of noise from aircraft on any Activity Sensitive to Aircraft Noise within the airport noise boundaries while at the same time providing for the efficient operation of Queenstown Airport.

105 Protect the airport from reverse sensitivity effects of any Activity Sensitive to Aircraft Noise via a range of zoning methods.

106 Ensure that Critical Listening Environments of all new buildings and alterations and additions to existing buildings containing an Activity Sensitive to Aircraft Noise within the Queenstown Airport Air Noise boundary or Outer Control boundary are designed and built to achieve appropriate Indoor Design Sound Levels.

107 Hearing of Submissions on Proposed District Plan Report 17-6.

108 The development of a prosperous, resilient and equitable economy in the District.

Queenstown and Wānaka town centres are the hubs of New Zealand's premier alpine visitor resorts and the district's economy. Retaining a maximum height limit of 20m for Frankton assists in signalling QTC as the "highest order" centre across the District, with recommended height limits of up to 24m. The use of height limits is an established method in the PDP to manage the visual effects of development and the 20m height limit, as notified, is also supported by the Urban Design Report.

Wānaka

7.68 In support of further increasing the permitted height standard, Southern Lakes Property Trust Limited (**SLPTL**) (1055) states that while the proposed 16.5m permitted height in Three Parks would enable a 4-level commercial building with traditional commercial construction methodology, it would discourage the use of modern and internationally recognised methodologies for carbon conscious developments. The additional height sought (no specific height standard is specified) would also enable variation in architectural roof form yielding a higher quality overall urban design.

7.69 The heights recommended for BMUZ by the Urban Design Report have been considered in relation to height limits proposed for the Town Centre Zones and residential zones, to contribute to a package that supports a well-functioning urban environment and enables appropriate intensification throughout the district. The Accessibility & Demand Analysis acknowledges Three Parks as being a node of moderate-to-high levels of accessibility within Wānaka and for the purposes of their analysis, only the facilities and road networks that are existing were integrated into the assessment. Given the zoning of Three Parks and surrounding land, it is anticipated that this centre will contribute much higher levels of employment, open space, education facilities, food retailers and goods and services as it continues to develop. As such, it is recognised that the level of accessibility of this area will likely only increase with time.

7.70 For context, the BMUZ at Three Parks is surrounded by the following zones: Medium Density Residential, High Density Residential, Three Parks Commercial, Community Purposes, and Three Parks Business and is located across the road from General Industrial and Service.

- 7.71** Greenfield areas, such as Three Parks, are generally more adaptable to supporting higher-density development due to their flexibility, and the urban amenity and character is yet to be established and can be comprehensively designed and planned to mitigate effects. All new buildings will still require resource consent subject to Rule 16.4.4 which includes assessment matters relating to the design of the building and impact of the building on the streetscape. Policy 16.2.2.12 and Rule 16.5A.1 also requires consideration of the relevant elements identified in the Business Mixed Use Design Guide to ensure new development achieves high quality building and urban design outcomes.¹⁰⁹
- 7.72** A key consideration for an increased height in Three Parks is to ensure height and densities would still give primacy to the WTCZ and particularly align with Objective 13.2.1 that Wānaka Town Centre remains the principal focus for commercial, administrative, cultural, entertainment and visitor activities in the Upper Clutha area, while also being appropriate to the anticipated scale of the centre per the direction of the NPS-UD.
- 7.73** The permitted height notified for Wānaka BMUZ (Three Parks) through the Variation is 16.5m. This also needs to be considered alongside my recommendations for heights in WTCZ to increase to 20m as a Restricted Discretionary activity (everywhere other than height precinct P1). On this basis, applying a similar tiered approach to Three Parks where building heights between 16.5m and 20m is a restricted discretionary activity would in my view still give effect to SP 3.2.1.2 (that the Queenstown and Wānaka town centres continue to remain as the hubs of New Zealand’s premier alpine visitor resorts and the District’s economy).
- 7.74** Given the location of the WTC adjoining Lake Wānaka, which is classified as an ONL with a Wāhi Tūpuna layer, the centre will continue to attract tourists and residents for its high amenity and access to open spaces like Pembroke Park and lakeside trails. Three Parks provides a different type of service, being more large format retail, and therefore by increasing the height of this centre, in my opinion, will not

109 Objective 16.2.2.

detract from the prosperity or viability of the Wānaka Town Centre. Given that Three Parks is more greenfield in nature, it has the ability to absorb greater development in this centre whilst managing any adverse effects.

7.75 The height increase in this location is supported by Ms Fairgrays in Section 8 of her evidence where she notes that it would be likely to increase the feasibility for the commercial market to deliver higher density dwellings in this location. She considers this would increase dwelling supply and dwelling mix in the long term with the associated economic benefits and be beneficial for the WTC.

7.76 This is also supported by evidence from Mr Wallace who notes that increased building heights within the BMUZ at Three Parks could either support more intensive commercial uses, increasing local employment opportunities or alternatively be utilised for more intensive residential uses in an area where there are a number of existing or planned amenities in the immediate environment including schools, open spaces, supermarkets and other retail opportunities.

7.77 Also of relevance, a number of resource consents have been approved in Three Parks that breach the PDP height limit of 12m for the BMUZ and this consented development now forms part of the 'receiving environment'. The consented activities include:

- (a) a four-level commercial building at 20 Sir Tim Wallis Drive, with a total height of 19.35m above ground level (RM230893). The building also did not comply with the building coverage standard, and the setback to any fourth storey and above. Despite these non-compliances the proposal was considered to be consistent with the Business Mixed Use Design Guide 2021 and its location on a street corner provided opportunity for additional height to create landmark buildings, to emphasise intersection as important nodes without adverse effects on adjoining properties. The decision on the application concluded that the greater height provided in this location will result in a positive design outcome, which would not be achieved if strict adherence to the maximum height limit was enforced;
- (b) a 'resort' complex comprising a hotel, backpackers, townhouses, apartments, winery, retail units, associated car parking, signage,

earthworks, and landscaping at the corner of Sir Tim Wallis Drive/Sir Cliff Skeggs Drive, with a total height of 19.5 metres (RM220141). The activity did not comply with a number of other built form standards. The application was assessed as a non-complying activity and publicly notified. The decision on the application concludes that through the location of buildings and high quality urban design, the proposal adequately reduces building dominance, shading, and view obstruction, and will be appropriately integrated into Three Parks.

- 7.78** In my opinion, with appropriate matters of discretion, any adverse effects from the increased height can be managed or mitigated, across the BMUZ in Wānaka. This should also be reflected in the Design Guidelines (in their future review) to provide guidance on what is enabled and anticipated within the zone.
- 7.79** When considering any effects on adjoining residential areas, I note that Rule 16.5.1.1 as notified outlines setbacks and sunlight access where the BMUZ adjoins the Residential zones (both medium and high density). These recession plane rules ensure that the sunlight access for the adjoining would be the same, whether the height limit is 16.5m or 20m.
- 7.80** I also gave consideration to increasing heights in the other BMUZ in Wānaka, located off Plantation and Anderson Roads, however this area is much more established with smaller parcel sizes and in my view would not be able to absorb a 20m height limit as well. Even though the Variation proposes to rezone some of the land to the south and southwest as Medium Density Residential, the area is surrounded by well-established low density, single or two storey residential dwellings. In my view, increasing the heights in this location would not align with SO 3.2.3¹¹⁰ and particularly SP 3.2.3.2 that built form integrates well with its surrounding urban environment.
- 7.81** In my view, a 20m height limit is considered an appropriate balance between giving effect to Policy 5 of the NPS-UD, as well as ensuring that the Wānaka Town Centre

110 A quality built environment taking into account the character of individual communities.

remains one of the two hubs of the District's economy as per SO3.2.1¹¹¹ and particularly SP 3.2.1.2.¹¹² Non-complying activity status for breaches is consistent with other areas in the BMUZ, as well as the other commercial zones in the District (LCSZ, WTC and QTC). In the absence of any reasons or evidence from the submitter, I am not persuaded that discretionary is a more appropriate activity status for buildings exceeding 20m in the Three Parks BMUZ as sought by SLPTL (1055).

7.82 I have recommended a tiered approach as sought by Henley Property Ltd (FS1284) that buildings between 16.5m and 20m high have a restricted discretionary activity status and buildings greater than 20m require non-complying activity consent. This provides a more enabling policy framework for buildings up to 20m in the Three Parks BMUZ. Amending the activity status of buildings greater than 20m to discretionary might be appropriate as the area becomes more accessible or has higher relative demand. This change to accessibility and demand can be addressed in future changes to the District Plan if assessed at that time as more appropriate. This position also informs my assessment later in this report, particularly section starting 7.86 of this report regarding non-notification of restricted discretionary applications for buildings between 16.5m and 24m in Frankton North.

Summary of Recommendation

7.83 For the reasons outlined in the assessment, I recommend that the relief sought by SLPTL (1055) and further submission by Henley Property Limited are accepted in part, as far as allowing for a restricted discretionary activity for any building exceeding 16.5m up to 20m in height, and Rules 16.5.8 and 16.5.9 be amended as follows:

s42A Rule 16.5.8 Discretionary building Height (~~Queenstown, Frankton Marina (Sugar Lane) and Frankton North Only~~)
16.5.8.1 Queenstown, and Frankton North and Wānaka (Three Parks) – 16.5m.
16.5.8.2 Frankton Marina (Sugar Lane) – 12m
~~Building height of 12m.~~

s42A Rule 16.5.9 Maximum building height
 16.5.9.1 Maximum building height shall be:

111 The development of a prosperous, resilient and equitable economy in the District.
 112 The Queenstown and Wānaka town centres¹ are the hubs of New Zealand's premier alpine visitor resorts and the District's economy.

- a. Queenstown - 20m
- b. Wānaka (excluding Three Parks)– 16.52m
- c. Frankton Marina – 16.5m
- d. Frankton North – 20m
- e. Wānaka (Three Parks) – 20m

16.5.9.2 Any fourth storey (excluding basements) and above shall be set back a minimum of 3m from the building frontage.

7.84 I recommend that the relief sought in support of Rule 16.5.9 be accepted in part, and the relief sought in opposition be rejected.

Section 32AA Analysis

7.85 The amendments to s42A Rule 16.5.8 and 16.5.9 are more appropriate in achieving the objectives of the NPS-UD and PDP than the notified provisions, particularly Policies 1 and 5 in contributing to well-functioning urban environments. In particular, I consider that:

- (a) Increasing the permitted building height in Three Parks to 16.5m will result in an increase in the efficient use of land and be effective in providing additional commercially feasible plan enabled capacity in Wānaka to assist in meeting the projected long-term demand for apartment housing;
- (b) There are economic benefits of creating critical mass within commercial centres to support economic activity and diversification of commercial and community activities and services. This will also make public transport infrastructure and active travel upgrades more viable;
- (c) Gives effect to Objective 16.2.1 and enabling a high intensity mix of compatible residential and non-residential activities.

Chapter 16.6 Rules - Non-Notification of Applications

7.86 Chapter 16.6 specifies the activities that do not require the written consent of other persons and shall not be notified or limited notified. The only notified amendment proposed to this rule are:

- (a) Updates to Rule 16.6.2.2 to update building heights from 12m to 16.5m to reflect the new wording of the Rule as proposed in the notified version;
- (b) Updates to Rule 16.6.3.1 is to reflect the new heading of the Rule, as proposed in the notified version of this variation.

Matters raised by submitters

- 7.87** Six submissions¹¹³ were received in support of proposed amendments to Rule 16.6.2.2 and an additional six submissions¹¹⁴ in support of Rule 16.6.3.1. M Harris (10) opposes all changes to Rule 16.6.2.2 and 16.6.3.1, no further reasoning or explanation was provided.
- 7.88** Latitude 45 Development Limited (**Latitude 45**) (768) seek amendments to Rules 16.6.2.2 for non-notification of restricted discretionary applications for buildings between 16.5m and 24m in Frankton North and that a new Rule 16.6.2.3 is added to exempt building heights in Frankton North exceeding 16.5m from being publicly notified.
- 7.89** Southern Lakes Property Trust Limited (SLPTL) (1055) seek amendments to 16.6.2.2 for non-notification clause for building heights under 20 metres in Three Parks.

Assessment

- 7.90** The notified amendments to both Rules 16.6.2.2 and 16.6.3.1 are administrative only and required to reflect the new wording of Rules 16.5.8 and 16.5.9 (as quoted in Rule 16.6.2.2) and Rule 16.5.1 (as quoted in Rule 16.6.3.1).
- 7.91** Even though it is not specifically referenced, Rule 16.6.2.2 is directly linked to Rules 16.5.8 and 16.5.9 which specifies the Restricted Discretionary building heights for the BMUZ in Queenstown, Frankton North and Frankton Marina (Sugar Lane). The intent of Rule 16.6.2.2 is to refer to all the locations identified in Rule 16.5.8 and therefore would include Frankton North as well. On this basis, in my view the relief sought by Latitude 45 is not necessary,
- 7.92** For the reasons discussed earlier in this report (particularly paragraph 7.67), I do not agree with the 24m building height that is sought by Latitude 45 for Frankton North and therefore reject the relief sought by the submitter to amend

113 These include submissions 963, 965, 977, 999, 1002.

114 These include submissions 999, 977, 1002.

Rule 16.6.2.2 for non-notification of restricted discretionary applications for buildings between 16.5m and 24m in Frankton North.

- 7.93** Southern Lakes Property Trust Limited (**SLPTL**) (1055) seek a non-notification clause for building heights under 20 metres in Three Parks. The submitter has not provided any further reasoning or planning evidence to support their position on why the height exceedance should not require the written approval of other persons and shall not be notified or limited notified. In my view, building height contributes to the acceptable level of built form on the site and any non-compliance with the permitted maximum height standard (16.5m) may result in adverse effects off site with affected parties. Therefore, I consider that any infringement should be assessed on a site-by-site basis subject to the RMA notification tests but noting that they may not necessarily require notification if it is determined that the infringement does not result in adverse effects on persons.

Summary of Recommendation

- 7.94** I recommend for the reasons given in the assessment, that the submissions in support of Rule 16.6, particularly Rules 16.6.2.2 and 16.6.3.1, be accepted and the submissions in opposition be rejected.

Chapter 16 – Other matters

- 7.95** Southern Lakes Property Trust Limited (SLPTL) (1055) seek that the increased height (or number of levels) in the notified Variation should be reflected in the future BMUZ Design Guidelines. This is supported by further submission by Henley Property limited (1284).
- 7.96** I agree that any amendments to the built form provisions in the BMUZ should be reflected in the Urban Design Guidelines when they are updated. The timing and process of this is addressed in Ms Bowbyes' evidence.
- 7.97** K Oakes (369.7) seeks that there is no Central Business District in Hāwea. It is unclear which area the submitter is referring to, as there is no BMUZ located in Hāwea and both areas zoned Local Shopping Centre Zone (**LSCZ**) are existing. The submitter notes that higher buildings will greatly impact the town and put a huge

strain on the failing infrastructure. This Variation does not propose any amendments to the extent or location of the LSCZ. Heights increase in the LSCZ in Hāwea are discussed elsewhere in this report, however, Section 2.1(e) of the S32 Report as well as Section 5 of Mr Powells evidence gives consideration to the infrastructure capacity as notified, and concludes that water supply, stormwater, and wastewater should not be a reason for not allowing further intensification of this area.

8. TOPIC 4: LOCAL SHOPPING CENTRE

8.1 The purpose of the LSCZ as outlined in the PDP is to enable small scale commercial and business activities in discrete pockets of land, that are accessible to residential areas. They have an important function for the local community in offering convenience goods and access services within walking distance to reduce the necessity for people to travel longer distances to town centres.

8.2 The key changes proposed by the variation for the LSCZ are summarised below:

- (a) Amend matter of discretion for residential units to provide provision of outlook space (15.4.3.1(e));
- (b) Inclusion of the adequate provision and screening of loading and servicing areas, including waste and recycling storage and collection space as a matter of discretion for buildings. (15.4.3.1(f));
- (c) Increase the maximum permitted building heights within the Fernhill and Kelvin Heights LSCZ to 14m; within the Lake Hāwea South LSCZ to 12m; and the remainder of the LCSZ to 10m. (Rule 15.5.7);
- (d) Amendment to the Setbacks and Sunlight Access control standards. (Rule 15.5.2).

Chapter 15 – General

8.3 A mix of submissions were received on Chapter 15 as a whole, rather than referencing any specific provision. Eight submissions¹¹⁵ were received in support. Of the 15 submissions¹¹⁶ that were received in opposition (and three further

115 These include submissions 139, 468, 470, 485, 659.

116 These include submissions 32, 344, 358, 369, 373.

submissions), the main reasons related to recession planes, height, noise, pollution, security, sunlight and privacy for adjoining residential zones.

- 8.4** Whilst greater heights and densities of urban built form are proposed in the LSCZ in accordance with Policy 5 of the NPS-UD, new rules and amendments have also been proposed to ensure new building typologies and development achieve an appropriate level of amenity and built form within their local context.
- 8.5** The variation does not propose to increase the footprint of the LSCZ or amend the types of activities provided for in this zone. Existing Rule 15.4.3 requires restricted discretionary activity consent for buildings located in the LSCZ and the matters of discretion include external appearance, the impact of the building on the streetscape, compatibility with adjoining buildings and contribution to an integrated built form. The focus of the objectives in this zone is that buildings respond to the existing character, quality and amenity values of their neighbourhood setting (Objective 15.2.2). As outlined in Section 9 of the Urban Design Report, the implementation of Objective 15.2.2 is through the building heights anticipated in the residential zones adjoining each LSCZ. In locations where the heights in the residential chapters are proposed to increase, increases in the LSCZ heights are also proposed to reflect these changes and consequently results in different heights for different locations.
- 8.6** Chapter 36 of the PDP manages the effects of noise in the District. I acknowledge that the more enabling height and recession plane provisions as proposed by this Variation will enable greater built form and capacity within the LSCZ. However, I am of the view that existing noise limits set out in Chapter 36 of the PDP alongside Objective 15.2.3¹¹⁷ and supporting policies¹¹⁸ that relate specifically to the LSCZ will ensure that adverse environmental effects received both within and beyond the zone are appropriately addressed. The table in *Chapter 15.4 Rules – Activities*, including a restricted discretionary activity status for new buildings in the zone, ensures that establishment of inappropriate activities are discouraged.

117 Adverse environmental effects received both within and beyond the zone are minimised.
118 Particularly Policy 15.2.3.2 relates to noise effects generated by activities occurring with the LSCZ and Policy 15.2.3.4 avoids establishment of activities that are not consistent with established amenity values or cause inappropriate environmental effects.

- 8.7** With the inclusion of the amendments to Chapter 15 I have recommended in this report, I recommend that the submission points on Chapter 15 be accepted, accepted in part or rejected.

Chapter 15.4 Rules – Activities

Rule 15.4.3 Buildings

- 8.8** All new buildings in the LSCZ require resource consent as a restricted discretionary activity. Rule 15.6.2.1 restricts limited and full notification for any breaches to Rule 15.4.3. The notified provisions propose amendments to the matters of discretion for residential units to include provision of outlook space and screening of loading and servicing areas, including waste and recycling storage and collection space. No changes are proposed to the existing activity statuses.
- 8.9** Two submissions were received in opposition to Rule 15.4.3. M Harris (10) requests that the proposed amendments to provision 15.4.3 be rejected. No further explanation or reasoning is provided.
- 8.10** No. 1 Hansen Road Limited (766) seeks amendments to Rule 15.4.3, specifically the removal of Rule 15.4.3.2 requiring a Spatial Layout Plan for 1 Hansen Road. This is not directly related to matters of discretion or built form relating to buildings in LSCZ and has been discussed in Section 5 of my s42A report on Business Zones rezonings alongside similar requests sought by the submitter. No other submissions were received on the proposed amendments to Rule 15.4.3.1.
- 8.11** On the basis that the submission from M Harris (10) does not provide any evidence or reasoning in support of their position, it is recommended that the submission on Rule 15.4.3 be rejected.

Chapter 15.5 Rules – Standards

Rule 15.5.2 Setbacks and Sunlight Access and Rule 15.5.7 Building Height

- 8.12** Rules 15.5.2 and 15.5.7 relate to built form in the LSCZ and therefore the relief sought on these provisions has been assessed together.

- 8.13** The operative and notified setbacks and sunlight access requirements for the LSCZ is summarised in the table below:

| Operative | Notified |
|---|---|
| <p>Setbacks and Sunlight Access – sites adjoining any Residential zone, Settlement Zone or public open space</p> <p>buildings shall not project beyond a recession line constructed at an angle of 35° inclined towards the site from points 3m above any Residential Zone or Settlement Zone boundary</p> | <p>Setbacks and Sunlight Access</p> <p>Buildings on sites adjoining a Residential zone shall not project beyond a recession line constructed at the following angles inclined towards the site:</p> <p>a. from any point 4m above the boundary with the Medium Density Residential Zone at 60 degrees; and</p> <p>b. from any point 2.5m above the boundary with the Lower Density Residential Zone at 55 degrees.</p> |
| Where the site adjoins any Residential zone, Settlement Zone or public open space the setback shall be not less than 3m. | Where the site adjoins any Residential zone, Settlement Zone or land zoned Open Space the setback shall be not less than 3m. |

- 8.14** The notified provisions propose to retain the current restricted discretionary activity status for breaches.

- 8.15** The current and notified heights enabled for the LSCZ are summarised in the table below:

| LSCZ | Current | Notified |
|---|----------------|-----------------|
| Albert Town, Arrowtown, Hāwea, Sunshine Bay, Cardrona Valley Road | 7m | 10m |
| Frankton | 10m | 10m |
| Fernhill | 7m | 14m |
| Kelvin Heights | 10m | 14m |
| Lake Hāwea South | 10m | 12m |

- 8.16** No changes are proposed, as notified, to the activity status for breaches of these rules. Any breaches of these heights continue to require resource consent for a non-complying activity.

Matters raised by submitters

- 8.17** Aurora Energy Limited (208.10) and Southern Land (389.36) support the proposed variations to Rule 15.5.2. Three submissions¹¹⁹ were received in opposition, requesting that the sunlight and setback access standards remain unchanged. M Harris (10.80) and A Sandhu (1074.22) object to any changes to the rule in its entirety. A Sandhu notes that the Rule as notified would provide for development which is contrary to the amenity and character of the existing residential areas and have adverse effects on shading, access to sunshine and loss of views. Submission 1074 relates specifically to Kelvin Peninsula only.
- 8.18** Approximately 24 submissions¹²⁰ were received in opposition to the heights proposed by Rule 15.5.7. Twelve of these submissions¹²¹ relate to Arrowtown specifically, the others relate to Fernhill, Sunshine Bay and Kelvin Heights.
- 8.19** M Laming (449.2, 449.3) seeks that height limits for Frankton, Albert Town, Arrowtown, Hāwea, Sunshine Bay and Cardrona Valley Road should be consistent with other Local Shopping Centre Zones at 14m. No further reasoning or evidence is provided as part of this submission.
- 8.20** Similarly, submissions were received requesting lower heights in Sunshine Bay, Fernhill and Fernhill and Sunshine Bay. These submissions also do not provide evidence in support of their position.
- 8.21** RCL Henley Downs Limited (1253.14) seeks that that Rule 15.5.7 be amended as follows:
- a) for the Local Shopping Centre Zone located at Frankton, Albert Town, Arrowtown, Hāwea, Sunshine Bay and Cardrona Valley Road the maximum building height shall be 10m; and*

119 Submissions 10, 1074, 1236.

120 These include submissions 10, 197, 262, 272, 274

121 These include submissions 197, 262, 272, 274, 289

- b) *for the Local Shopping Centre zone located at Lake Hāwea South the maximum building height shall be 12m; and*
- c) ~~*for the Local Shopping Centre Zone located at Fernhill, and Kelvin Heights the maximum building height shall be 14m;*~~
for all other Local Shopping Centre Zones, the maximum building height shall be 14m.

8.22 This submission is supported by further submission by J Middendorf (FS1271.19) and opposed by Further Submission by M Hosie (FS1271.53).

Assessment

8.23 The Accessibility & Demand Analysis acknowledges that with the exception of the LSCZ located at Frankton, the Local Shopping Centre Zones are generally not located in areas of higher accessibility within the District. As such, it was not considered necessary to modify the existing standards other than minor consequential amendments relating to height and sunlight access. I consider the amendments to *Rule 15.5.2 Setbacks and Sunlight Access and Rule 15.5.7 Building Height* to be necessary to align with changes to zone provisions of adjoining zones (particularly MDRZ and LDSRZ).

8.24 The notified recession planes were informed by the Urban Design Report which recommends that a more relaxed Sunlight Access control should be sought if an LSCZ lies adjacent to a proposed MDRZ or LDSRZ (assuming increased heights are applied in these zones). The approach that the assessment recommended is that where the LSCZ adjoins a residential zone, the least restrictive sunlight access/recession plane of that zone would apply.

8.25 The notified version of Rule 15.5.7 was informed by the recommendations from the Urban Design Report that recommended adopting a rule limiting height "to no more than 2m above the maximum permitted heights in the immediately adjoining residential zone". This approach was reflected in the notified wording of Rule 15.5.7 which prescribes a maximum height for each LSCZ rather than requiring plan users to cross reference to the relevant Residential Chapters and add 2m. The notified LDSR Zone has a maximum height of 8m (Rule 7.5.1), whereas the notified

MDRZ,¹²² has a maximum height of 11m plus an additional 1m for pitched roof form (therefore overall total height of 12m) (Rule 8.5.1).

8.26 The additional 2m of height in the LSCZ (above the permitted height for the adjoining residential zone) provides for greater floor to floor height therefore enabling greater flexibility for non-residential uses. As outlined in the Urban Design Report, the increase in height will provide opportunities to reinforce the LSCZ's function through urban form. I note Ms Bowbyes and I have addressed submissions on the LDSRZ and MDRZ provisions in our Section 42A Reports, in relation to building heights, which should be considered alongside this recommendation. If there are any changes to building heights for either of these residential zones, then this should be reflected in the adjoining LSCZ as appropriate to be consistent with the approach of applying a height limit of 2m above the maximum permitted heights in the immediately adjoining residential zone.

8.27 Based on the assessment undertaken by Mr Wallace, which underpins the proposed building heights and recession planes, I consider that the heights and recession planes are appropriate to meet the requirements of the NPS-UD, particularly Objective 1,¹²³ and Policies 1 and 5 by enabling heights and density of urban form commensurate with the greater of level of accessibility or relative demand and contributing to well-functioning urban environments. The notified building heights also increase opportunities for above-ground-floor residential units (such as apartments) which increases the diversity of housing enabled in each local centre.

8.28 In his evidence, Mr Wallace has reassessed each of the heights / recession planes that apply to the LCS Zones. As part of his assessment, he does not consider reductions in the heights proposed or recession planes that apply are needed to address any actual or potential urban design effects. I have read and concur with Mr Wallace's assessment.

122 Noting this does not include MDRZ in Arthurs Point or Queenstown Hill but there is no LSCZ located in these areas.

123 New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

- 8.29** In response to the location-specific submissions, I have addressed the specific relief sought alongside the recommended recession planes and heights for each centre below.

Frankton

- 8.30** J Sanders (860.3) seeks greater heights in Frankton and lower in the rest of the identified centres because Frankton has greater accessibility. Hansen Family Trust (380.1, 380.2) generally support the proposed amendments to Rule 15.5.7 providing that the building height for the LSCZ in Frankton should also be increased to 14 metres. This submission is supported by further submission by Arthur and Annie Limited (1334) and opposed by further submission from the Queenstown Airport Corporation (1355).
- 8.31** The Queenstown Airport Corporation consider increased building height on land affected by the Airport Approach and Take-off Surfaces and Transitional Surfaces Designation, are not appropriate. No further evidence or reasoning is provided by either J Sanders or Hansen Family Trust or any analysis of the potential impact on Airport operations of implementing the greater heights.
- 8.32** As shown in the map below, a portion of the LSCZ in Frankton is located within the Airport Approach and Take-off Surfaces and Transitional Surfaces Designation (Designation D.3). This area is subject to a height of 45m above airport datum level of 355m. This is shown in Figure 1 Queenstown Airport: Airport Approach and Protection Measures (shown below) and referred to in Chapter 37 D Queenstown Airport. The maximum heights notified for Frankton are 10m and are more restrictive than the airport approach and protection measures. Furthermore, the existing provisions relevant to Designation D.3 contained within *Section 37. Designations of Part Five: District-Wide Matters* of the PDP will continue to apply to the relevant part of the zone.

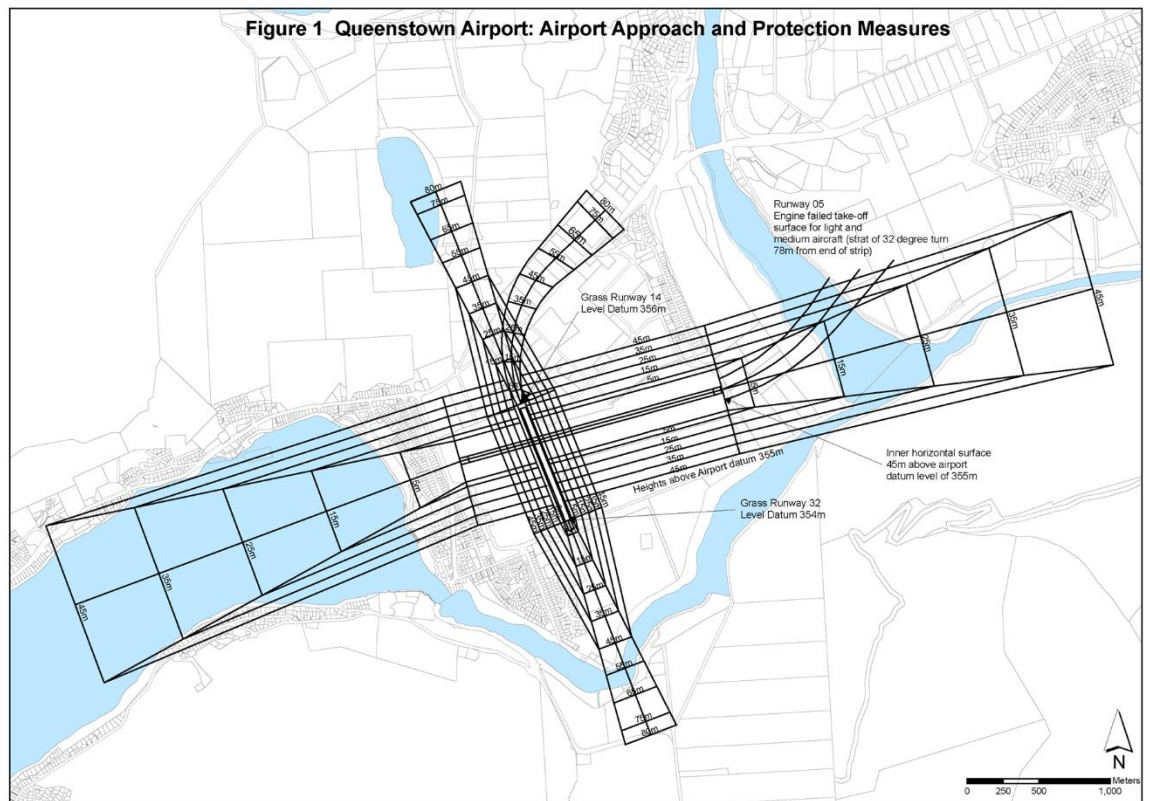


Figure 12: Queenstown Airport: Airport Approach and Protection Measures

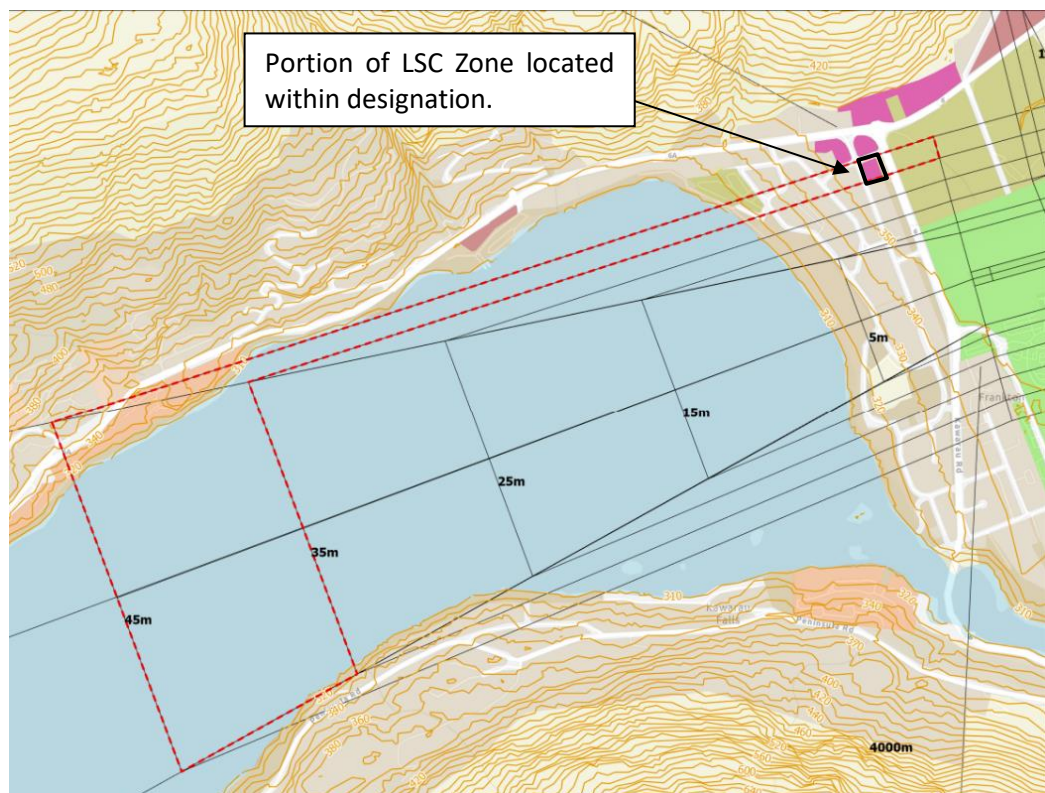


Figure 13: Portion of LSCZ located within designation

8.33 In addition to being located within the identified Airport Approach and Take-off Surfaces and Transitional Surfaces designations, the Frankton LSCZ is also located within the Queenstown Airport OCB. Section 6.2.5 of the Section 32 Report¹²⁴ provides an analysis of options to give effect to Policy 5 of the NPS-UD, within the OCB. The s32 assessment considered Option 2 (provision changes only and no changes to the zoning of land within the OCB) to be the most appropriate option that achieves an appropriate balance between intensification within the OCB while not significantly compromising the safety and efficiency of the airport. I concur with this assessment.

8.34 I am not convinced that increasing the height of the LCS Zone in Frankton would still align with Objective 4.2.2A, that a compact, integrated and well-designed urban form that is managed to ensure that the Queenstown Airport is not significantly compromised by the adverse effects of incompatible activities as assessed in the Section 32.

Kelvin Heights

8.35 The Kelvin Heights LSCZ is currently undeveloped and adjoins both the LDSR Zone and MDR Zone and a height of 14m was notified. The Kelvin Peninsula Community Association (**KPCA**) (924.4) seek that that the notified changes to Rule 15.5.7, specifically as they relate to Kelvin Heights, be declined and status quo remains.

8.36 The submitters consider that a building height increase from 10m to 14m within the LSCZ at Kelvin Peninsula will be out of character with the existing urban environment and would likely impact on views from other properties.

8.37 The Accessibility & Demand Analysis acknowledges that even though it is currently undeveloped, the Kelvin Heights LSCZ may support some smaller scale commercial and retail opportunities over the life of the District Plan which will contribute to the area's overall level of accessibility

- 8.38** Even though I acknowledge that development in the Kelvin Heights LSCZ, if developed to its maximum capacity, may initially be considered out of character with the existing urban environment, I consider the notified heights to be appropriate to give effect to Policy 5 of the NPS-UD but also gives effect to Policy 6 of the NPS-UD that requires decision-makers to have particular regard to the planned urban built form, acknowledging that the planned urban form may give rise to changes to an area that may detract from amenity values appreciated by some and that they are not an adverse effect in themselves.
- 8.39** Given the greenfield nature of Kelvin Heights LSCZ, it has the ability to absorb greater development in this centre whilst managing any adverse effects. As outlined in Section 9.3 of the Urban Design Report, the adjoining MDR Zone is also undeveloped while the LDSR Zone sites features established homes which sit at higher elevations than the LCS Zone. The zone also features high level of natural amenity with elevated, north facing views over Lake Whakatipu which is likely to better support the feasibility of residential development at upper-levels. Also the setbacks and sunlight access as specified in notified Rule 15.5.2, limit the impact on adjoining residential properties, particularly the established LDR Zone.
- 8.40** The notified heights are supported by Ms Fairgray in Section 6 of her evidence where she notes that there is no economic benefit to retaining the existing height provision within the local shopping centre within the peninsula. She also acknowledges that if developed, the additional floors above the ground floor are more likely to contain residential apartment dwellings or small offices, with retail only sustainable on the ground floor. This would give effect to Policy 1 of the NPS-UD by contributing to well-functioning urban environments that enable a variety of homes. Ms Fairgray also notes residential apartments are likely to generate additional demand within the centre that will encourage its development and support its viability. Greater development potential of these sites may also encourage their development through increasing the potential return to developers.

Lake Hāwea South

- 8.41** By way of background, after the section 32 assessment for the plan variation was completed the Environment Court issued a consent order [2023] NZEnvC 110 which resolved an appeal on the PDP relating to the zoning of land at Lake Hāwea South. The Consent Order amended the zoning from rural to a number of urban zones including the LDSR, MDR, LSCZ and the Informal Recreation Zone. The Consent Order also included a structure plan and associated changes to the subdivision chapter as well as bespoke rules, requiring road upgrades, limiting density in a small area (Area B on the structure plan) of the LDSR zone as well as individual and combined floor area space restrictions for retail activities within the LSCZ.
- 8.42** The notified provisions propose a height limit of 12m for the LSCZ at Lake Hāwea South. This was based on the shared boundaries with both the MDRZ and LDSRZ with notified height limits of 11m + 1m and 8m respectively. In his evidence, Mr C Wallace notes that the 12m height was intended to provide a degree of consistency between the various height limits of the differing adjoining residential zones.
- 8.43** Universal Developments Hāwea Limited and LAC Property Trustees Limited (470.5) seek a height limit of 14m in Lake Hāwea South specifically. I agree with the reasoning provided by the submitter that as a greenfield location, Lake Hāwea South, is well placed to avoid potential reverse sensitivity effects that can arise through retrofitting or providing for increases in height or density within existing established neighbourhoods - where shading and adverse character and amenity effects can arise.
- 8.44** When considered with the applicable recession plane, a 14m high building as sought by the submitter would need to be set back at least 8m from the site boundaries. Considering this area of Lake Hāwea South is still largely undeveloped, and the presence of road boundaries and other open spaces shown on the Structure Plan in PDP Chapter 27, Mr Wallace considers that an increase to 14m would be appropriate as it could better enable the development of more intensive typologies in an area where accessibility is likely to improve.

- 8.45** This is also supported by Ms Fairgray who considers in Section 6 of her evidence that increasing the Lake Hāwea South LCS Zone height to 14m may produce economic benefits through supporting the commercial viability of the centre and increasing housing options in the medium to long-term. It is likely that the additional height, if taken up, would contain residential apartments that would generate additional demand within the centre, and increase the housing options within the local area.
- 8.46** My support for increasing the permitted building height to 14m is conditional on retaining the recession planes for the LSCZ, as notified, to ensure that impacts on adjoining properties are appropriately mitigated. These impacts include visual and dominance effects, shading and privacy.
- 8.47** Increasing the height to 14m would better enable the development of more housing typologies, including above ground floor residential, in an area where accessibility is likely to improve over time, as Lake Hāwea South is developed. Furthermore, enabling a height of 14m would be able to more easily accommodate four storey development with better design outcomes. It would also enable more efficient use of land and sustainable management of natural and physical resources. The increased height would give effect to SO 3.2.1, in developing a prosperous, resilient and equitable economy in the District and also SP 3.3.12 in that it would provide for a wide variety of activities and sufficient capacity within commercially zoned land to accommodate business growth and diversification.

Arrowtown

- 8.48** In regards to Arrowtown, this is discussed in Ms Bowbyes' Section 42A Report on Arrowtown and in the evidence provided by Mr Richard Knott. These heights have been used to inform the directly adjoining LSCZ by adding an additional 2m.

Other Matters

- 8.49** I have considered the submitters' requests for reducing heights or maintaining status quo heights in the LSCZ centres. As the Council is required to give effect to the NPS-UD, density commensurate with the level of accessibility by existing or

planned active or public transport to a range of commercial activities and community services are to be applied to the LSCZ.

- 8.50** Retaining or reducing existing building heights would result in a built form that is lower than the surrounding residential zoned land and, in my view, would not integrate well with its surrounding urban environment and would be inconsistent with SOs 3.2.1 and 3.2.3 of the PDP. In my view, the notified heights meet the intent of UFD-01 Development of urban areas and particularly UFD-P5¹²⁵ which *provides for commercial activities in urban areas by enabling smaller local and neighbourhood centres, mixed use zones and rural settlements to accommodate a variety of commercial activities, social, recreational and cultural activities of a scale appropriate to service local community needs.*
- 8.51** I note that by re-ordering the rule, RCL Henley Downs Limited (1253.14) has not sought amendments to the specific heights that were notified, but instead has provided a 'catch-all' rule where c. provides flexibility for future areas that are determined to be appropriate LSCZ to be added. I disagree and consider that any future LSCZ should be assessed through the required planning process to rezone the land and establish what height is appropriate for that particular area. This would give effect to Objective 15.2.2 of the PDP to ensure that buildings respond to the existing character, quality and amenity values of their neighbourhood setting.
- 8.52** Queenstown Airport Corporation (822) seeks that the catch-all (10m height limit for areas of the zones not mentioned) is retained in the rule so that there is no uncertainty (such as the land at 1 Hansen Road) or alternatively a specific clause is added to specify that building height within the OCB is no more than 10m. This is opposed by further submissions by City Impact Church Queenstown Incorporated (1330) and No.1 Hansen Road Limited (1331).
- 8.53** The requested amendment by Queenstown Airport Corporation is not required as all of the land zoned LSCZ will have the amended provisions apply to it as a result of the notified amendments to the rule. The land that the submitter refers to at 1

125 Proposed Otago Regional Policy Statement 2021 (PRPS 21), both objective and policy are currently under appeal.

Hansen Road is located within the Frankton LSCZ, where a maximum height limit of 10m is proposed. This is the only LSCZ that is located within the Outer Control Boundary, and therefore I believe the concerns raised by the submitter have been addressed.

Summary of Recommendation

8.54 For the reasons discussed in the assessment, I recommend that:

- (a) the submission point by Universal Developments Hāwea Limited and LAC Property Trustees Limited (470.5) is accepted and the height limit for Lake Hāwea South LSCZ is increased to 14m and Rule 15.5.7 is amended as follows:

s42A 15.5.7 Building Height

- a. for the Local Shopping Centre Zone located at ~~Albert Town, Arrowtown, Fernhill, Lake Hāwea South and Hāwea, Sunshine Bay and Cardrona Valley Road~~ Kelvin Heights the maximum building height shall be ~~7-14m~~;
 - b. ~~for the Local Shopping Centre zone located at Lake Hāwea South the maximum building height shall be 12m; and~~
 - c. for the Local Shopping Centre Zone located at Frankton, Albert Town, Arrowtown, Hāwea, Sunshine Bay and Cardrona Valley Road the maximum building height shall be 10m.
- ~~for all other areas in the Local Shopping Centre Zone the maximum building height shall be 10m.~~
- (b) that the relief sought in opposition to Rule 15.5.7 be rejected, with the exception of submission point 470.5, and the relief sought by the submissions in support of Rule 15.5.7 be accepted in part.
 - (c) that the relief sought in opposition to Rule 15.5.2 be rejected and the relief sought by the submissions in support of Rule 16.5.1.1 be accepted.

8.55 As discussed in the assessment, the building height and setbacks and sunlight access standards for the LSCZ respond to the changes proposed to the adjoining residential zones. Therefore, if the maximum height controls for the directly adjoining zone change through this process, I recommend that Rule 15.5.7 is updated to be 2m above the maximum permitted heights in the immediately adjoining residential zone. If the sunlight and setback access standards change for the MDR and/or LDR Zones, I recommend that Rule 15.5.2 is updated to reflect the relevant zone.

Section 32AA Analysis

8.56 In my opinion, the additional height for the LSCZ at Lake Hāwea South is more appropriate in achieving the objectives of the RMA, NPS-UD and PDP than the notified provisions. In particular, I consider that:

- (a) It better recognises that the sustainable use of land is achieved by enabling greater heights within the Lake Hāwea South and subsequently densities. Consequently, it is more efficient and effective than the notified objective in achieving the purpose of the RMA;
- (b) It would better enable the development of more intensive typologies where accessibility is likely to improve and therefore more efficient and effective than the notified provisions in achieving the objectives of the NPS-UD and particularly contributing to well-functioning urban environments;
- (c) It would give effect to SO 3.2.1, in developing of a prosperous, resilient and equitable economy in the District and also SP 3.3.12 in that it would provide for a wide variety of activities and sufficient capacity within commercially zoned land to accommodate business growth and diversification

A handwritten signature in black ink, appearing to be 'CF', followed by a horizontal line.

Corinne Frischknecht

6 June 2025