



Queenstown Lakes District Proposed District Plan – Stage 1

**Section 42A Hearing Report
For Hearing commencing: 28 November 2016**

Report dated: 2 November 2016

Report on submissions and further submissions
Chapter 12 Queenstown Town Centre

File Reference: Chp. 12 - S42A

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I have also referred to and relied on the following evidence filed alongside this section 42A report:

- Ms Jacqueline Gillies, Architecture - statement dated 2 November 2016.
Dr Stephen Chiles, Acoustic Engineering – statement dated 2 November 2016.
Ms Sian Swinney, Alcohol Licensing - statement dated 2 November 2016.
Mr Timothy Church, Urban Design – statement dated 2 November 2016.

1. EXECUTIVE SUMMARY

- 1.1. While the policy direction and general intent of the notified Proposed District Plan (**PDP**) Queenstown Town Centre (**QTT**, **QTTC**, or **QTTCZ**) Chapter 12 provisions remain largely unchanged, this evidence recommends a relatively large number of changes aimed at improving the extent to which the chapter contributes toward meeting the purpose of the Resource Management Act 1991 (**RMA**) and supporting the Strategic Direction of the Proposed District Plan (**PDP**). The provisions as recommended to be amended in this report are considered to be effective and efficient and an appropriate means of achieving the purpose of the RMA.
- 1.2. Merits of the recommended provisions include:
 - a. The objectives enable the Queenstown Town Centre to continue to develop as a high quality and vibrant hub that offers a range of activities, which is crucial to its economic viability, and significantly contributes to the overall resilience of the community. Equally, applying limits on Town Centre activities enables appropriate levels of amenity to be enjoyed both within the Town Centre and in nearby residential zones, without unduly constraining the range of activities that can occur.
 - b. The policies enable increases in height and building coverage, provided that design quality and the key design outcomes are not compromised; provide affordable development opportunities at the periphery of the Town Centre within an environment that is compatible with the adjacent zone; ensure the town remains compact and walkable; encourage an increased focus on pedestrians, cyclists, and public transport users; encourage development to contribute to a safe, high amenity environment; and recognise the important contribution that night time activity makes to the vibrancy and economic prosperity of the Queenstown Town Centre.
 - c. The framework and style is concise and legible.
 - d. The key resource management issues are addressed.
- 1.3. While the objectives and policy direction remains fundamentally unchanged, I have recommended several changes to the proposed rules, standards and other provisions in order to better achieve the purpose of the RMA and the PDP objectives. While a number of these relate to minor changes, or wording changes that do not amount to substantive policy shifts, the key substantive changes that I recommend relate to:
 - a. Minor wording changes to notified Objective 12.2.1 and to various policies to improve legibility and add further direction.
 - b. Changes to building heights in the Man/ Hay/ Shotover/ Brecon Street block, replacing two areas notified as height precinct 4 (**Precinct 4**) with height precinct 5 (**Precinct 5**),

thereby reinstating a more restrictive recession plane, and clarifying the permitted heights in height precinct 1A (**Precinct 1A**) and height precinct 2 (**Precinct 2**).

- c. Adding an additional matter for consideration in notified Rules 12.4.6 and 12.5.9, when considering consents for additional height and when considering restricted discretionary buildings in terms of design.
 - d. Amending notified Rule 12.5.11 to exempt noise from commercial motorised craft and to clarify that the more enabling limits relating to music, voices and loud speakers do not apply to the Town Centre Transition Zone; and making consequential amendments to chapter 36 (noise) in order to ensure consistency and therefore improved administrative efficiency.
 - e. Amending Figure 1 'Location of Pedestrian Links between the Queenstown Town Centre' contained within chapter 12 and notified Rule 12.5.8 relating to pedestrian links and laneways such that existing links/ lanes are required to be retained and future potential ones are encouraged to be uncovered (i.e. open to the sky).
 - f. Removing notified Rule 12.5.14.4 regarding glare from building materials/ colours.
 - g. Removing the need for storage to be within a building (notified Rule 12.5.4.1) and for a veranda to be provided on Hay Street.
 - h. Amending notified Rule 12.4.6 to exempt pop up buildings that are in place for no longer than 6 months and artworks (permanent and temporary) from requiring resource consent in respect of design.
 - i. Amending notified Rule 12.5.1.1 to trigger the need to comply with a maximum coverage rule on all properties/ developments over 1400m² in area and to change the reference from site to property.
 - j. Removing the street scene setback requirements on Beach Street (notified Rule 12.5.2).
 - k. Amending the notified planning maps 35 and 36 to clearly show the Waterfront subzone boundary.
 - l. Minor amendments to notified Rules 12.4.7 and 12.4.8 to refer to the waterfront area as a subzone of the Town Centre, rather than a stand-alone zone.
- 1.4. I note that the amendments to the figures have been undertaken in draft for the purposes of this report and more refined figures can be provided for inclusion in the decision if the Hearing Panel (**Panel**) accepts the recommended changes.

2. INTRODUCTION

- 2.1. My name is Victoria (Vicki) Sian Jones. I am a private consultant contracted by the Queenstown Lakes District Council (**Council**) to prepare the Section 42A (s 42A) report on Chapter 12 of the PDP. I am a full member of the New Zealand Planning Institute. I hold the qualifications of Bachelor of Resource and Environmental Planning (first class honours), with a major in economics from Massey University. I have over 21 years planning experience, and have worked as a planner in the Queenstown Lakes District (**District**) for 17 years. During my time in this District, I have held the positions of Consent Planner, Policy Planner, and Policy Manager with CivicCorp Limited and Strategy and Planning Manager with the Council; and have worked as a planning consultant for the past 9 years. During that time, I have presented Environment Court evidence in the hearings on the (now operative) District Plan and was responsible for dozens of variations and plan changes to that Plan (either as the author or in a management role).
- 2.2. Specifically relevant to the Queenstown Town Centre chapter, I provided planning advice to the Tomorrows Queenstown (2020) Plan (2002); managed the preparation of the Growth Options Study, the Growth Management Strategy (2006) and Queenstown Town Centre Character Guidelines (2007); provided planning advice on the Flood Mitigation Strategy Learning to live with flooding (2006) which was prepared jointly by the Council and the Otago Regional Council (**ORC**); established and was a member of the Queenstown Urban Design Panel (2006); and provided planning advice to the Councils Inner Links Project (2014) as part of the consultant team contracted to undertake the project.
- 2.3. I note that I was the author of the notified QTTC chapter in the PDP.

3. CODE OF CONDUCT

- 3.1. Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witness contained in the Environment Court Practice Note 2014 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.
- 3.2. I am authorised to give this evidence on the Council's behalf.

4. SCOPE OF THIS EVIDENCE

- 4.1. My evidence addresses the submissions and further submissions received on notified Chapter 12 and any subsequent amendments to the planning maps as they relate to the Town Centre Entertainment Precinct (**TCEP**); the Special Character Area (**SCA**); the Town Centre Transition subzone (**TCTZ**), and the Town Centre Waterfront subzone. Otherwise I do

not consider or make recommendations on re-zonings, which are to be heard in the rezoning hearings in 2017.

- 4.2. This evidence analyses submissions for the benefit of the Panel in order to assist it to make recommendations on the text of Chapter 12. I have only recommended deleting a very limited number of provisions. I have not updated the numbering of provisions in Appendix 1 (i.e., the numbering of any deleted provisions, remained in the recommended chapter). Therefore, all references to provisions in this s42A, are to the notified version.
- 4.3. The Table in **Appendix 2** outlines whether individual submissions are accepted, accepted in part, rejected, considered to be out of scope, or deferred to another hearing stream. A separate table has been provided within Appendix 2 containing all those submissions that were originally allocated to Chapter 12 that relate to the Plan Change 50 land and which are on provisions that have not been withdrawn from the PDP. The Panel therefore does not need to make a recommendation on those particular submission points. Where a submission is related to other matters as well as the Plan Change 50 land, that submission has been retained in the main summary of submissions table. Also included in **Appendix 2** is another separate table of those submitters who lodged submissions on Chapter 36 (noise) who could be potentially affected. This is further explained in section 12 of this report.
- 4.4. Although this evidence is intended to be a stand-alone document and to meet the requirements of s 42A of the RMA, the Queenstown Town Centre s 32 report is also attached as **Appendix 3**.
- 4.5. In this evidence, I discuss the issues raised by submitters under broad issues and where I recommend significant changes to the proposed provisions, I assess those changes in terms of s 32AA of the RMA (as set out in **Appendix 4**).
- 4.6. In preparing this evidence and reaching the conclusions herein, in addition to relying on the Council's expert evidence, I have also drawn on other work that has been undertaken by and on behalf of the Council and other parties over the last decade,¹ which also contributes to the evidence base for the chapter's section 32 report.

5. STATUTORY BACKGROUND AND RELEVANT BACKGROUND DOCUMENTS

- 5.1. The s 32 report attached as **Appendix 3** provides an overview of the legislation and higher order statutory and planning documents that were considered when preparing Chapter 12. In addition to that, the following, more detailed summary of relevant legislation and documents is also provided.

¹ Refer S 32 Evaluation Report - Queenstown Town Centre, Pages 4-5.

The Resource Management Act (RMA)

- 5.2. The RMA and in particular the purpose and principles in Part 2, which require councils to promote the use, development and protection of the natural and physical resources for current and future generations in order to provide for the four well beings (social, economic, cultural and environmental). While chapter 12 does not relate to any matters of national importance (s 6) the following Section 7 matters are relevant and shall be had regard to when preparing the chapter:
- a. the efficient use and development of natural and physical resources;
 - b. the maintenance and enhancement of amenity values;
 - c. maintenance and enhancement of the quality of the environment; and
 - d. any finite characteristics of natural and physical resources.

The Local Government Act 2002 (LGA)

- 5.3. The LGA and in particular Section 14, which emphasises the importance of taking an intergenerational approach to decision-making and the need to take into account the four well beings.

Operative Otago Regional Policy Statement (1998) (Operative RPS)

- 5.4. Section 75(3) of the RMA requires that a district plan prepared by a territorial authority must "give effect to" any regional policy statement. In particular Chapter 9 of the Operative RPS relates to the Built Environment.
- 5.5. The relevant objectives and policies include Objectives 9.4.1 and 9.4.3 and Policies 9.5.1 - 9.5.5. Together these strive to achieve sustainable management of the built environment in a manner that meets the needs of the community and which avoids, remedies, or mitigates adverse effects by recognising cultural relationships; promoting the efficient development and use of infrastructure (including the transport network); minimising effects of urban development on the environment (including in relation to noise, amenity, and community values); and enhancing people's quality of life (including people's health and safety).
- 5.6. In my opinion, for the reasons outlined in the s 32 Evaluation Report, the Queenstown Town Centre Zone chapter is consistent with this policy framework, contributing toward a compact urban core, which makes efficient use of resource, will meet the foreseeable future needs, minimises adverse effects, and indeed, strives to result in positive effects.

Proposed Otago Regional Policy Statement 2015 (PRPS)

- 5.7. Section 74(2) of the RMA requires that a district plan prepared by a territorial authority shall "have regard" to any proposed Regional Policy Statement. The PRPS was notified for public submissions on 23 May 2015, and decisions on submissions were released on 1 October 2016.
- 5.8. The following objectives and policies² are relevant to Chapter 12:
- a. Objective 4.4 (notified as 3.6) and Policy 4.4.6 (notified as 3.6.6).
 - b. Objective 4.5 (notified 3.7 and 3.8 combined) and policies 4.5.1, 4.5.3, 4.5.4, 4.5.5, 4.5.6 (notified as 3.8.1, 3.7.1, 3.7.2, 3.7.3, 3.7.4).
 - c. Objective 5.3 (notified 4.3) and Policy 5.3.3 (notified as 4.3.4).
- 5.9. In summary, together these objectives and policies aim to ensure energy supplies to communities are secure and sustainable; that urban growth and development is well designed, reflects local character and integrates effectively with adjoining urban and rural environments; and that sufficient land is managed and protected for economic production.
- 5.10. The changes made to the PRPS through its decision are relatively minor and, in my opinion, will not have any effect on the appropriateness of the recommended revised PDP Chapter 12. I consider that revised Chapter 12 will give effect to the PRPS.

Iwi Management Plans

- 5.11. When preparing or changing a district plan, section 74(2A) of the RMA states that Councils must "take into account" any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. Two iwi management plans are relevant:
- a. *The Cry of the People, Te Tangi a Taurira*: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (**MNRMP 2008**); and
 - b. *Kāi Tahu ki Otago Natural Resource Management Plan 2005* (**KTKO NRMP 2005**).

Proposed National Policy Statement on Urban Development Capacity (NPSUDC)

- 5.12. The Minister for the Environment notified the proposed NPSUDC for public consultation on 2 June 2016, with submissions closing on 15 July 2016. The scope of the proposed NPSUDC relates to the provision of development capacity in local authority plans to address both housing and business needs. The proposed NPSUDC does not hold any statutory weight.

2 Decision version of the PRPS, 1 October 2016.

- 5.13. The proposed NPSUDC identifies Queenstown as a high growth urban area (projected to experience population growth of over 10% in the next 10 years) and applies objectives and policies for local authorities to implement through their planning documents.
- 5.14. The following objectives of the proposed NPSUDC are of relevance to the Queenstown Town Centre:
- a. OA1: To support effective and efficient urban areas that enable people and communities to provide for their social, economic and cultural wellbeing.
 - b. OA2: To provide sufficient residential and business development capacity to enable urban areas to meet residential and business demand.
 - c. OA3: To enable ongoing development and change in urban areas.
 - d. OB1: To ensure plans and regional policy statements are based on a robust, accurate and frequently-updated evidence base.
 - e. OC1: To promote coordination within and between local authorities and infrastructure providers in urban areas, consistent planning decisions, integrated land use and infrastructure planning, and responsive planning processes.
 - f. OD1: To ensure that planning decisions enable urban development in the short, medium and long-terms.
 - g. OD2: To ensure that in the short and medium terms local authorities adapt and respond to market activity.
- 5.15. The above objectives (although they hold no legal weight) are reflected in the Queenstown Town Centre provisions through enabling slightly more capacity within the Town Centre, and more diversity in terms of the type of commercial space that might be provided to market.
- 5.16. I became aware on 1 November 2016, when finalising this s42A report, that the final NPSUDC³ has been approved. I have not had an opportunity to consider the approved version in this s42A, but will do so prior to the Business hearing.

Monitoring Report for the Town Centre Zones - May 2012

- 5.17. This report monitored the efficiency and effectiveness of the operative Queenstown Town Centre provisions. It was based on a desk-top analysis of consent applications processed between 2004 and 2011 and the findings from this were considered alongside the consultation that was undertaken as part of preparing the respective Town Centre strategies. In summary, the monitoring report identified that:

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http://www.mfe.govt.nz/sites/default/files/media/Towns%20and%20cities/National_Policy_Statement_on_Urban_Development_Capacity_2016-final.pdf.

- a. The provisions are relatively effective but that various changes were necessary to improve effectiveness, including a need for stronger objectives and policies, a revision of the provisions in order to better manage reverse sensitivity in regard to noise, and a review of site and zone standards and assessment matters.
- b. An average of 50 resource consents were processed annually for activities/ development within the Queenstown Town Centre between 2004 and 2011, with just 2% being notified (although I note that the total equals only 67% which I assume is because notification was unclear from the decisions in some instances); a high proportion being for Discretionary (37%) and non-complying activities (33%), (noting however that those recorded totalled just 94% and that 56% of the discretionary consents were for variations and 54% of non-complying consents were for signs; and that the number of non-complying consents are likely to be over-stated due to recording methods); and the most commonly breached standards related to coverage (68% of all breaches) and height (59% of all breaches). Of note, no analysis of costs was undertaken.

PDP Strategic Directions Chapter 3

- 5.18. The Strategic Directions chapter sets out the over-arching strategic direction for the management of growth, land use and development in the District and gives direction to the rest of the plan. The following objectives⁴ are relevant to Chapter 12:

Objective 3.2.1.1 - The Queenstown and Wanaka town centres are the hubs of New Zealand's premier alpine resorts and the Districts economy.

Objective 3.2.1.4 - The significant socioeconomic benefits of tourism activities across the District are provided for and enabled.

Objective 3.2.1.5 - Development of innovative and sustainable enterprises that contribute to diversification of the Districts economic base and create employment opportunities.

Objective 3.2.2.2 - Development in areas affected by natural hazards is appropriately managed.

Objective 3.2.3.1 - A built environment that ensures our urban areas are desirable and safe places to live, work and play.

Objective 3.2.3.2 - Development is sympathetic to the Districts cultural heritage values.

Objective 3.2.6.3 - A high quality network of open spaces and community facilities.

Objective 3.2.6.4 - Safe and healthy communities through good quality subdivision and building design.

- 5.19. Chapter 12, as recommended (see **Appendix 1**), is considered to implement these objectives and the supporting policies which, in my view, provide clear and concise direction in relation

⁴ Strategic Direction Hearings – Recommended Revised Chapter – Reply 07/04/2016.

to how the Council aims to maintain and enhance the existing key commercial, civic and cultural hubs of the District.

PDP Urban Development - Chapter 4

- 5.20. This chapter sets out the objectives and policies for managing the spatial location and layout of urban development within the District. The following objectives⁵ are relevant to Chapter 12:

Objective 4.2.1 - Urban development is integrated with infrastructure and services and is undertaken in a manner that protects the environment, rural amenity and outstanding natural landscapes and features.

Objective 4.2.3 – Within Urban Growth Boundaries, provide for a compact and integrated urban form that limits the lateral spread of urban areas, and maximises the efficiency of infrastructure operation and provision.

Objective 4.2.4 - Manage the scale and location of urban growth in the Queenstown Urban Growth Boundary.

- 5.21. Chapter 12, as recommended (see **Appendix 1**), is considered to be consistent with these objectives and the supporting policies which, in my view, provide clear and concise direction in relation to how the Council aims to manage growth within the urban growth boundaries.

PDP Tangata whenua - Chapter 5

- 5.22. The Tangata Whenua chapter sets out the objectives and policies for ensuring tangata whenua issues are appropriately considered throughout the District Plan. The following objective and policy⁶ are most relevant to Chapter 12:

5.4.2 Objective - Provide for a Ngāi Tahu presence in the built environment.

5.4.2.1 Collaborate with Ngāi Tahu in the design of the built environment including planting, public spaces, use of Ngāi Tahu place names and interpretive material.

- 5.23. Particularly with the recommended amendment to notified Rule 12.4.7 in Appendix 1, I consider that Chapter 12 is consistent with this objective and policy.

6. SCOPE ISSUES

- 6.1. This section of my report describes submissions on the Queenstown Town Centre Zone that were allocated to the QTTC chapter but are out of scope or have been deferred to another hearing stream. I have therefore made no recommendations in respect to these submissions.
- 6.2. A number of submissions⁷ relate to the geographic area and/ or provisions of Plan Change 50. The Council's resolution on 29 October 2015 formally withdrew all provisions in the PDP

5 Strategic Direction Hearings – Recommended Revised Chapter – Reply 07/04/2016.

6 Strategic Direction Hearings – Recommended Revised Chapter – Reply 07/04/2016.

that applied to this area, meaning that these submissions are no longer within scope of stage 1 of the PDP.

- 6.3. Submission 474.5 (Evan Jenkins) requests that the busking rules be amended to forbid the amplification of music. No specific rules exist in the District Plan but, rather, busking is regulated by the recently adopted Control of Activities in Public Places Bylaw (2016) and therefore the submission is beyond the scope of the District Plan. That bylaw specifies that there be no amplified music (as the default position) and that if such music is proposed then an application needs to be made to the Council.
- 6.4. Submissions 20.4 (Aaron Cowie) and FS1059.5 (Erna Spijkerbosch) relate to the pedestrianisation of the Queenstown Town Centre. Whether a street should be pedestrianised or not is beyond the scope of the District Plan.
- 6.5. The following submissions and further submissions have been allocated to other hearing streams or other parts of this business hearing stream:
 - a. Submission 630.5 (Downtown QT) and FS1043.12 (Grand Lakes Management Limited) have been reallocated to the Business Mixed Use Zone s42A report, which is also considered as part of this hearing stream, as they relate to the mixed business zone on Gorge Rd; and
 - b. Submissions 663.7 (IHG Queenstown Ltd and Carter Queenstown Ltd), FS1139.8 (Carl & Lorraine Holt), FS1191.7 (Adam & Kirsten Zaki), and 672.7 (Watertight Investments Ltd) were reallocated to hearing stream 1A (tangata whenua) as they request the deletion of Policy 12.2.2.7, which relates to cultural heritage and incorporating reference to tangata whenua values in the design of public spaces. The s 42A report recommended that the relief sought be rejected and I concur with that opinion. I have also considered these in section 18 of this report, relating to objectives and policies.
 - c. Submission 810.34 (Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua) was reallocated to hearing stream 1A (tangata whenua) as it requests an assessment matter relating to the effect of structures in the waterfront subzone on the values of wahi tupuna. I note that Appendix 2 of the Tangata Whenua chapter (5) s 42A report recommended that the relief sought be rejected but I am unaware of the reasoning behind that. I have also considered these submissions in Section 16 of this report relating to the waterfront subzone.

7 Submissions 516.4 (MacFarlane Investments), 517.4 (John Thompson), 548.1 and part of 548.6 (Maximum Mojo Holdings Limited), FS1097.516 (Queenstown Park Limited), 807.77 (Remarkables Park Limited), FS1117.212 and part of FS1117.217 (Remarkables Park Limited), 663.2 and 663.19 (IHG Queenstown Ltd and Carter Queenstown Ltd), FS1139.3 and FS1139.20 (Carl & Lorraine Holt), FS1191.2 and FS1191.19 (Adam & Kirsten Zaki), 667.4 (Cedric Hockey), and 672.17 (Watertight Investments Ltd).

- 6.6. Further submission FS1260.9 (Dato Tan Chin Nam) relates to a point made by submitter 187 (Nicholas Kiddle), which related to building height in the High Density Residential Zone, and so has been reallocated to the residential hearing stream. While FS1260.9 (Dato Tan Chin Nam) does not appear in Appendix 2 of the High Density Residential chapter S42A, this further submission point is, in fact, a duplicate of FS 1260.8 and that was considered in that S42A. As such, the Panel can be assured that it was considered within that hearing stream and it was recommended that it be rejected.
- a. Further submission FS1242 (Antony & Ruth Stokes) is not relevant to Queenstown Town Centre Zone and has been reallocated to the Business Mixed Use Zone s42A report, which is also considered as part of this hearing stream.
 - b. The following parts of submission 574.4 (Skyline Enterprises Limited) (opposed by FS1063.22 (Peter Fleming and Others) have been reallocated to the mapping (rezoning) hearing):
 - i. that the gondola facility be rezoned as a new Commercial Tourism & Recreation Sub-Zone, which should encompass the lower terminal building site and car parking area at the northern end of Brecon St, or alternatively;
 - ii. that, if the Council decides to re-zone the submitters leasehold land then the proposed zoning should cover all the land depicted within Appendix [C] (i.e. an expansion of the Town Centre zone over rural zoned land).

7. OVERVIEW OF THE ISSUES

Purpose

- 7.1. The purpose of the QTTCZ recognises that it provides a focus for community life, retail, entertainment, business and services and provides a vital function for both residents and visitors. It notes that it provides a diverse range of visitor accommodation and visitor-related businesses and tourism activities and serves as the principal administrative centre for the District. Over time, it is intended to become an increasingly dynamic and vibrant centre, continue to offer a wide variety of activities and will evolve into a higher intensity and high quality urban centre. The SCA of the Town Centre Zone will develop in a manner that is consistent with the Queenstown Town Centre Design Guidelines 2015.
- 7.2. The review of the operative provisions sought to address a number of key issues, through strengthening the existing policy framework, amending some key rules, and increasing the overall legibility of the chapter. The resource management issues the proposed zone provisions strive to address are:
- a. A lack of capacity within the Town Centre and whether there is an opportunity to provide for further capacity within the existing Town Centre Zone.

- b. The existing Town Centre Zone and whether it can be expanded in a manner that still retains the compactness and walkability of the Town Centre, provides legible boundaries, and does not exacerbate reverse sensitivity issues.
- c. The appropriateness of the existing rules (including those relating to building height, bulk, and location) and whether they achieve quality urban design and built form efficiently and effectively and result in efficient land use and intensification.
- d. Management of flood risk in the Queenstown Town Centre.
- e. Management of the interface between the Town Centre and lakefront.
- f. Noise and reverse sensitivity issues and acoustic insulation.
- g. The need for integrated landuse and transport planning.

7.3. Having identified the resource management issues facing the Queenstown Town Centre, it is necessary to consider to what extent the Operative District Plan (**ODP**) has been effective and efficient at addressing these issues or, in other words, consider what the issues or shortcomings of the ODP zone are. The Town Centres monitoring report draws on resource consent information, the outcomes from consultation, and case studies. It concludes that, while it was difficult to identify clear patterns from the consent data and a number of known issues are not apparent from the monitoring data (such as noise), on balance it appeared the zone is working relatively effectively but that amendments are required to increase effectiveness in a number of areas. It also concludes that the objectives and policies need strengthening.⁸

7.4. In response to the findings of the monitoring report and the subsequent s 32 analysis, the notified QTTCZ in the PDP differed from the ODP QTTCZ in the following key ways:

- a. More prescriptive and directional policies were added and the assessment matters removed.
- b. Building heights were increased in particular precincts within the Town Centre and the building coverage rule removed other than for the development of large areas, in order to enable more efficient landuse and consenting and encourage improved built forms within the height limits.
- c. The Town Centre Zone was expanded in a number of small, discrete areas to establish more legible boundaries which better reflect the proposed Inner Link Road and to provide for a more diverse range of commercial uses within the Town Centre.

8 Monitoring for the Town Centre Zones (2012), Page 2.

- d. A new Town Centre Transition Zone (**TCTZ**) was introduced to provide a transition between the Town Centre and the Residential Zone and the TCTZ on Man Street was removed.
- e. The noise limits were increased slightly throughout the Town Centre Zone (other than in the TCTZ) and a higher level of noise enabled in a newly identified TCEP in order to encourage noisier venues to locate in the most central part of town, where they will have the least effect on residential zones (within which acoustic insulation is not required).
- f. Acoustic insulation requirements were introduced for residential and visitor accommodation within the Town Centre to help mitigate the effects of night time noise on amenity.
- g. All buildings became a restricted discretionary activity, with quality urban design being the key outcome, and all buildings in the SCA were required to adhere to revised Design Guidelines.
- h. The protection of existing key pedestrian links from development and the creation of additional links was encouraged through the restricted discretionary activity building rule, and through maximum coverage and structure planning requirements in relation to larger scale developments and those in the TCTZ.

8. ANALYSIS OF SUBMISSIONS

- 8.1. The PDP was notified on 26 August 2015. The submission period closed on 23 October 2015 and summaries of submissions were notified on 3 December and 28 January 2016. A total of 316 original submissions have been received on Chapter 12 from 65 submitters and 422 further submissions have been received from 31 further submitters.
- 8.2. In addition, two late further submissions were received from Man Street Properties Limited (MSP) (being FS1368.1 and FS1368.2) on 28 September 2016 in support of that part of submission 20 (Aaron Cowie) that relates to supporting higher building heights and that part of submission 238 (NZIA) that relates to promoting additional height within the Town Centre Zone. These submissions have been acknowledged in this report.
- 8.3. Submissions are generally considered by issue in this evidence and where applicable are considered by provision. The summary of the submissions received on the notified chapter and recommendations of whether the submission should be rejected, accepted, or accepted in part is attached at **Appendix 2**. I have read and considered all of these submissions.
- 8.4. The RMA, as amended in December 2013 no longer requires a report prepared under 42A report or the Council decision to address each submission point but, instead, requires a summary of the issues raised in the submissions.

- 8.5. Some submission points canvass more than one issue, and will be addressed where they are most relevant within this evidence. At times, a submission will be addressed under a number of issues.
- 8.6. I have discussed the relief sought in submissions under the following issues/ topics in this evidence:
- a. The appropriate role of the Queenstown Town Centre (purpose).
 - b. The appropriateness of the proposed building heights and relevant objectives.
 - c. The appropriateness of the proposed extensions to the Queenstown Town Centre Zone.
 - d. The appropriateness of the proposed provisions relating to noise, the TCEP, acoustic insulation and ventilation, and licensed premises.
 - e. The appropriateness of the provisions and Guidelines to achieve quality urban design and built form.
 - f. The appropriateness of the proposed coverage and setback rules and the requirement to provide a structure plan for large developments and within the TCTZ.
 - g. The appropriateness of the proposed provisions relating to visitor accommodation and residential activity in the Town Centre.
 - h. The appropriateness of the provisions relating to surface of water and waterfront subzone.
 - i. The appropriateness of the transportation-related policies.
 - j. Miscellaneous issues: Natural hazards including flooding; alignment with the Town Centre Strategy; the appropriateness of permitted activities; efficiency and the notification of resource consents; and general support.

9. ISSUE 1 - THE ROLE OF THE QUEENSTOWN TOWN CENTRE AS THE ADMINISTRATIVE CENTRE

- 9.1. In summary, the only recommended changes are to make a minor amendment to the notified purpose and Objective 12.2.1 by replacing the references to 'administrative' with 'civic'.
- 9.2. Submitter 807 (Remarkables Park Limited) requests that the Zone Purpose be amended to recognise that the Queenstown Town Centre may not be the administrative centre of the District, whereas submitters 380 (Villa del Lago) and 217 (Jay Berriman) support the Queenstown Town Centre Zone Purpose.

- 9.3. Submitters 217 (Jay Berriman) and 630 (DowntownQT) support notified Objective 12.2.1 while submitter 238 (NZIA)⁹ requests that notified Objective 12.2.1 be amended as follows in order to clarify what administrative means:

A Town Centre that remains relevant to residents and visitors alike and continues to be the District's principal mixed use centre of retail, commercial, ~~administrative~~, local government, entertainment, cultural, and tourism activity

- 9.4. In response to these submissions, while the District Plan can only enable rather than require the establishment of administrative activities within the Town Centre, I am of the opinion that it is an appropriate part of the zone purpose and notified Objective 12.2.1. In my view, maintaining and enhancing the administrative functions of the Town Centre is an important component of it remaining relevant to local residents (as well as to visitors), remaining diverse, retaining a sense of place, and providing a relatively rare visitor experience whereby the town continues to feel real. I also note that use of this term is consistent with the Town Centre Strategy (2009) and the preceding Tomorrows Queenstown (2002) and Growth Management Strategy (2006) (GMS). In my view, such policy direction does not conflict with the fact that secondary civic facilities are likely to be developed at Frankton over time, in line with the Council's GMS.
- 9.5. As to whether the term administrative is too ambiguous and should be replaced by local government I agree that administrative is potentially unclear and may be interpreted either too narrowly (e.g. not taken to include civic buildings such as a library) or too widely and taken to mean private sector administration/ offices. Similarly, the term local government may be too narrow. Although still potentially ambiguous, I prefer the term civic in this instance as it is consistent with the term used in both the Tomorrow's Queenstown Plan (2002)¹⁰ and Town Centre Strategy, which both discuss the Queenstown Town Centre being the "civic heart" of Queenstown and refer to facilities such as council offices, and community and cultural facilities such as the Memorial Centre and the library. This change has been made in **Appendix 1** (redraft Purpose 12.1, and Objective 12.2.1).
- 9.6. Submitter 238.65 (NZIA)¹¹ requests that the Queenstown Town Centre Design Guidelines 2015 be expanded to include various additional matters or, failing that, the Zone Purpose is amended to acknowledge the importance of natural features, existing circulation patterns, roads and pathways, grid patterns, public open spaces, the quality, scale, and configuration of

9 Opposed by FS1107 (Man Street Properties Ltd), FS1226 (Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited), FS1234 (Shotover Memorial Properties Limited & Horne Water Holdings Limited), FS1239 (Skyline Enterprises Limited & O'Connells Pavilion Limited), FS1241 (Skyline Enterprises Limited & Accommodation and Booking Agents), and FS1248 (Trojan Holdings Limited & Beach Street Holdings Limited), FS1249 (Tweed Development Limited, FS1117 (Remarkables Park Limited).

10 A long term (20 year) non-statutory community planning document prepared through an inclusive charrette process for the wider Queenstown area, which was the precursor to the Growth Management Strategy and other strategic documents.

11 Opposed by FS1107.70 (Man Street Properties Ltd), FS1226.70 (Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited), FS1234.70 (Shotover Memorial Properties Limited & Horne Water Holdings Limited), FS1239.70 (Skyline Enterprises Limited & O'Connells Pavilion Limited), FS1241.70 (Skyline Enterprises Limited & Accommodation and Booking Agents), FS1248.70 (Trojan Holdings Limited & Beach Street Holdings Limited), FS1249.70 (Tweed Development Limited).

the built form, experiences, and Council landscaping (hard and soft) in achieving a well-designed, high quality Town Centre.

- 9.7. The request to include such matters within the Queenstown Town Centre Design Guidelines 2015 is recommended to be rejected in section 13 of this report. Having considered including a statement in the Zone purpose in the manner suggested, I am of the opinion that this is not appropriate as it would have little if any statutory weight and would very likely only complicate consent processing as many of the design considerations highlighted by the submitter are not able to be considered through Chapter 12 but, rather, are dealt with through mechanisms outside the District Plan or through the subdivision chapter of the District Plan. As such, no amendment has been included in **Appendix 1**. See section 13 of this report for more detail on this submission.

10. ISSUE 2 - THE APPROPRIATENESS OF THE PROPOSED BUILDING HEIGHT PROVISIONS AND THE RELATED OBJECTIVES

- 10.1. This section considers all submissions on the proposed objectives, policies, and rules that relate specifically to building height. It deals with those submissions that are of a general nature and/ or relate to the specific wording of policies and then with those that relate to particular height precincts or blocks of land.
- 10.2. Notified chapter 12 introduces the concept of mapped height precincts as a clearer way of applying different heights to the various parts of the QTTC. The approach is similar to that of the ODP which applies a variety of height rules via rules which refer to the various character precincts and other discrete areas. In this section I rely on the evidence of Mr Church and the shade modelling work that was undertaken to inform the notified provisions and which Mr Church and I have worked on together in the preparation of our evidence (modelling outcomes are attached to Mr Church's evidence).
- 10.3. In summary, the recommended changes to the height provisions relate to:
- a. Changes to notified Policies 12.2.2.3 and 12.2.2.4 to acknowledge wind effects and that Rules 12.5.9 and 12.5.10 are intended to provide greater certainty and that Rule 12.5.9 may enable minor reductions in sunlight provided these are offset.
 - b. Changes to Rule 12.5.10 and to Figure 2 to amend the building heights in the Man/ Hay/ Shotover/ Brecon Street block.
 - c. Change Figure 2 to amend the height precincts of those areas on upper Beach Street and on Church Street which were notified as Precinct 4 to Precinct 5.
 - d. Change notified Rule 12.5.9 to acknowledge the contribution that landmark buildings can make to a town within the restricted discretionary height rule.

- e. Remove the reference to 4 storeys in the restricted discretionary height rule (notified Rule 12.5.9), acknowledging that 4 storeys is not a desirable outcome within the heights allowed by that rule (and that to include the statement is misleading) and in recognition that there would be no risk of more than 4 storeys above ground level being achievable in any case.
 - f. Change figure 2 to extend Precinct 3 to include 2 more sites and reinstate the parapet rule from the ODP.
- 10.4. These changes are reflected in an amended Figure 2 (Height Precinct Map) and redraft Rules 12.5.9 and 12.5.10 in **Appendix 1**.

Policy framework related to building height

- 10.5. Submitter 398 (Man Street Properties Limited) (opposed by FS1274.18 (John Thompson and MacFarlane Investments Limited) partly supports the objectives and policies that enable and promote development in the Town Centre Zone and that support height precinct 7 (Precinct 7).
- 10.6. Submitter 621 (Real Journeys Limited) requests that notified Policy 12.2.2.3 be amended to acknowledge that the height and mass of buildings should also be controlled to minimise wind tunnel effects of buildings and ensure the pleasantness of the environment for pedestrians is maintained. Submitters 672 (Watertight Investments Ltd) and 663 (IHG Queenstown Ltd and Carter Queenstown Ltd)¹² request it be amended to acknowledge that the height and mass of buildings should also be controlled in order to provide certainty in terms of potential building height and mass.
- 10.7. In response, I agree that notified Policy 12.2.2.3 should be amended to incorporate both of these points. These amendments are included in **Appendix 1**.
- 10.8. With regard to notified Policy 12.2.2.4:
- a. Submitters 59 (Lynda Baker), 82 (Toni Okkerse) and 206 (Lindsay Jackson)¹³ variously request that the policy be removed and, as such, that no provision is made for buildings to exceed the height limits in the CBD.

12 Opposed by FS1139.5 (Carl & Lorraine Holt) and FS1191.4 (Adam & Kirsten Zaki).

13 Submitter 59 is supported by FS1063.45 (Peter Fleming and Others) and opposed by FS1236.3 (Skyline Enterprises Limited). Submitter 82 is supported by FS1063.40 and FS1063.41 (Peter Fleming and Others) and opposed by FS1107.4 and FS1107.5 (Man Street Properties Ltd), FS1226.4 and FS1226.5 (Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited) FS1234.4 and FS1234.5 (Shotover Memorial Properties Limited & Horne Water Holdings Limited), FS1236.5 and FS1236.6 (Skyline Enterprises Limited), FS1239.4 and FS1239.5 (Skyline Enterprises Limited & O'Connells Pavilion Limited), FS1241.4 and FS1241.5 (Skyline Enterprises Limited & Accommodation and Booking Agents), FS1248.4 and FS1248.5 (Trojan Holdings Limited & Beach Street Holdings Limited), FS1249.4 and FS1249.5 (Tweed Development Limited), and FS1274.24 and FS1274.25 (John Thompson and MacFarlane Investments Limited). Submitter 206 is supported by FS1063.53 (Peter Fleming and Others), and opposed by FS1274.33 (John Thompson and MacFarlane Investments Limited) and FS1236.11 (Skyline Enterprises Limited).

- b. Submitter 621 (Real Journeys Limited) requests that it be amended to acknowledge that buildings should be allowed to exceed the discretionary height standards where views of the surrounding ONLs are maintained and the additional building height does not worsen wind tunnel effects on pedestrian areas.
 - c. Submitter 238 (NZIA)¹⁴ requests that, rather than the policy allowing extra height where the outcome is of a higher quality design than would be achievable under the permitted height, it should state that it should be allowed where the design has been reviewed by the Urban Design Panel (**UDP**) and there is positive public engagement with the street.
 - d. Submitters 663 (IHG Queenstown Ltd and Carter Queenstown Ltd)¹⁵ and 672 (Watertight Investments Ltd) request amendments that require discretionary buildings to be of high quality (rather than superior to alternatives), and to allow for minor additional shading or an offset for any more than minor shading.
 - e. Submitter 630 (Downtown QT) supports additional height allowances and an intensification of residential development and request that if developers achieve a Green Star rating they should be able to add additional height to a building.
- 10.9. In response and bearing in mind that the purpose of notified Policy 12.2.2.4 is to clearly stipulate the circumstances when additional (discretionary) height would be appropriate, I have recommended partially accepting many of these submissions and, in turn, have recommended some amendments to the policy which, in my opinion, make it more appropriate (effective or efficient) for the following reasons:
- a. Fundamentally, in my opinion, some clearly identified criteria for allowing buildings to exceed the permitted height (as in notified Policy 12.2.2.4) are appropriate. In this respect, I do not support deleting the policy as sought by some submitters. This policy provides guidance regarding when it is likely to be appropriate to breach a restricted discretionary height standard (e.g. a building in Precinct 1 between 12 and 14 m in height). In respect of the restricted discretionary standard this is considered to be an appropriate, efficient, and effective method albeit that some re-wording is appropriate (as outlined above and in **Appendix 1**). In this respect it is considered that such directive and detailed policy is important to ensure the consistent administration of the restricted discretionary activity rule, particularly in the absence of assessment matters.
 - b. Issues of wind, views, and the quality of the streetscape are already captured in notified Policies 12.2.2.2 and 12.2.2.3, and therefore are expected to be considered in relation to

14 Opposed by FS1107.76 (Man Street Properties Ltd), FS1226.76 (Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited), FS1234.76 (Shotover Memorial Properties Limited & Horne Water Holdings Limited), FS1239.76 (Skyline Enterprises Limited & O'Connells Pavilion Limited), FS1241.76 (Skyline Enterprises Limited & Accommodation and Booking Agents), FS1248.76 (Trojan Holdings Limited & Beach Street Holdings Limited), FS1249.76 (Tweed Development Limited).

15 Opposed by FS1139.6 (Carl & Lorraine Holt) and FS1191.5 (Adam & Kirsten Zaki).

all development in the Town Centre regardless of height and therefore need not be repeated in notified Policy 12.2.2.4. To do so would risk applicants claiming benefits from the additional height which should be integral to all designs in any case.

- c. The second bullet point of notified Policy 12.2.2.4 has been amended to enable a small increase in the shading of public pedestrian space if this is offset by the provision of additional public space or pedestrian space within the site, and to add 'and' between the first and second bullet points in order to improve administration.

10.10. In response to adding specific reference to the PDP relating to the Urban Design Panel reviewing projects in the Town Centre, while I am of the opinion that most new buildings and significant projects (such as a comprehensive development plan in the Town Centre) should be reviewed by a panel of urban design professionals or an urban design professional, I consider that not all buildings in the Town Centre (which pursuant to notified Rule 12.4.6 includes alterations) will warrant such a review (as reflected by the terms of reference of the UDP). At times it may be sufficient for a report to be commissioned by the Council pursuant to section 92 of the RMA rather than using a panel. As such, I do not consider that making a review mandatory in the PDP is appropriate.

10.11. With regard to notified Policy 12.2.2.5:

- a. Submitters 59 (Lynda Baker), 82 (Toni Okkerse) and 206 (Lindsay Jackson)¹⁶ variously request that the policy be removed and, as such, that no provision is made for buildings to exceed the height limits in the CBD.
- b. Submitter 238 (NZIA)¹⁷ requests that it be amended such that pedestrian links that are provided in lieu of height should be open to the sky; and that the approval of additional height could be a tool to promote the restoration and opening up of Horne Creek.
- c. Submitters 663 (IHG Queenstown Ltd and Carter Queenstown Ltd) and 672 (Watertight Investments Ltd)¹⁸ request that notified Policy 12.2.2.5 be amended to enable buildings

16 Submitter 59 is supported by FS1063.45 (Peter Fleming and Others) and opposed by FS1236.3 (Skyline Enterprises Limited). Submitter 82 is supported by FS1063.40 and FS1063.41 (Peter Fleming and Others) and opposed by FS1107.4 and FS1107.5 (Man Street Properties Ltd), FS1226.4 and FS1226.5 (Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited) FS1234.4 and FS1234.5 (Shotover Memorial Properties Limited & Horne Water Holdings Limited), FS1236.5 and FS1236.6 (Skyline Enterprises Limited), FS1239.4 and FS1239.5 (Skyline Enterprises Limited & O'Connells Pavilion Limited), FS1241.4 and FS1241.5 (Skyline Enterprises Limited & Accommodation and Booking Agents), FS1248.4 and FS1248.5 (Trojan Holdings Limited & Beach Street Holdings Limited), FS1249.4 and FS1249.5 (Tweed Development Limited), and FS1274.24 and FS1274.25 (John Thompson and MacFarlane Investments Limited). Submitter 206 is supported by FS1063.53 (Peter Fleming and Others), and opposed by FS1274.33 (John Thompson and MacFarlane Investments Limited) FS1236.11 (Skyline Enterprises Limited).

17 Opposed by FS1107.76 and FS1107.77 (Man Street Properties Ltd), FS1226.76 and FS1226.77 (Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited), FS1234.76 and FS1234.77 (Shotover Memorial Properties Limited & Horne Water Holdings Limited), FS1239.76 and FS1239.77 (Skyline Enterprises Limited & O'Connells Pavilion Limited), FS1241.76 and FS1241.77 (Skyline Enterprises Limited & Accommodation and Booking Agents), FS1248.76 and FS1248.77 (Trojan Holdings Limited & Beach Street Holdings Limited), FS1249.72 and FS1249.76 (Tweed Development Limited), and FS1242.100 Antony & Ruth Stokes.

18 Submission 663 is opposed by FS1139.7 (Carl & Lorraine Holt) and FS1191.6 (Adam & Kirsten Zaki) and submission 672 is opposed by FS1236.15 (Skyline Enterprises Limited).

to exceed the non-complying height standards in situations where adverse effects arising from the additional building height are no more than minor or, failing that, in those instances specified in the notified policy (but deleting the explanation of what is considered to be beneficial urban design outcomes).

- 10.12. In response, I have recommended some minor amendments to notified Policy 12.2.2.5 in order to a) retain its focus on ensuring positive outcomes or net environmental benefits as a result of enabling additional height rather than simply minimising adverse effects and b) ensure that a breach may be considered appropriate but only in exceptional circumstances and only where specific public benefits are provided which outweigh negative effects. I note that including a policy stating that increases in height are appropriate provided the effects are no more than minor is not necessary as the test in s104D will determine this.
- 10.13. In my opinion, in the absence of assessment matters or guidelines beyond the SCA, additional policy guidance regarding what constitutes beneficial urban design outcomes should result in more efficient administration of the District Plan. I have recommended accepting in part those submissions seeking its deletion by changing the emphasis from allowing buildings to exceed height to preventing such breaches unless certain circumstances justify otherwise; adding a requirement that adverse shading effects must be minor; to acknowledge that pedestrian links/ lanes provided in lieu of extra height should be open to the sky, and that initiatives to restore and uncover Horne Creek are considered to be a public benefit. These recommended changes have been made to Policy 12.2.2.5 in **Appendix 1**.
- 10.14. In the below section I have recommended a number of changes to the height rules primarily in order to better protect public pedestrian and outdoor space from unacceptable winter shading. As a consequence of this I consider it is important to acknowledge the contribution that maintaining reasonable sunlight access into such spaces makes to the vibrancy of the Town Centre and to the quality of the pedestrian environment. As a consequential amendment I am therefore recommending adding a new policy to Objective 12.2.3 (redraft Policy 12.2.3.7) regarding vibrancy) and amending notified Policy 12.2.4.2 (regarding improvement of the pedestrian environment).

Zone-wide height rules

- 10.15. Submitter 20 (Aaron Cowie), opposed by FS1059.4 and FS1059.7 (Erna Spijkerbosch) and supported by FS1368.1 and FS1368.2 (MSP), seeks that all areas should have significantly higher property heights, especially towards the centre of Queenstown and far greater density with houses of 4-5 stories as the norm, with hotels even higher.
- 10.16. Submitter 187.14 (Nicholas Kiddle) requests that the building height limits under review be retained as raising building heights is generally supported and submitter 438 (The New Zealand Fire Service) requests that notified Rule 12.5.10 be retained.

- 10.17. Submitter 159 (Karen Boulay)¹⁹ opposes increasing building height allowances in the Town Centre, considering it is not productive for Queenstown as a tourist mecca, and submitter 417 (John Boyle)²⁰ requests that the maximum building heights enabled in the Queenstown Town Centre are no greater than those in the ODP and any other related, consequential or alternative relief.
- 10.18. Submitter 238 (NZIA)²¹ suggests that there could be incentives within the rules, such as additional height in exchange for linkages offered in desired areas. While this is related to the height issue (and has been relied on in part to recommend changes to Precinct 7 which enable greater height in lieu of confirming the view shafts will also provide open space) it is also discussed under the broad topic of urban design.
- 10.19. To assist the Panel, the following table provides a comparison between the ODP and PDP height rules.

19 Opposed by FS1236.7 (Skyline Enterprises Limited), FS1076.1 (Oxford Holdings Limited), FS1236.8 (Skyline Enterprises Limited).

20 Opposed by FS1107.158 and FS1107.159 (Man Street Properties Ltd), FS1226.159 and FS1226.160 (Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited), FS1234.159 and FS1234.160 (Shotover Memorial Properties Limited & Horne Water Holdings Limited), FS1239.159 and FS1239.160 (Skyline Enterprises Limited & O'Connells Pavilion Limited), FS1241.159 and FS1241.160 (Skyline Enterprises Limited & Accommodation and Booking Agents), FS1248.159 and FS1248.160 (Trojan Holdings Limited & Beach Street Holdings Limited), and FS1249.159 and FS1249.160 (Tweed Development Limited).

21 Opposed by FS1107 (Man Street Properties Ltd), FS1226 (Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited), FS1234 (Shotover Memorial Properties Limited & Horne Water Holdings Limited), FS1239 (Skyline Enterprises Limited & O'Connells Pavilion Limited), FS1241 (Skyline Enterprises Limited & Accommodation and Booking Agents), and FS1248 (Trojan Holdings Limited & Beach Street Holdings Limited), FS1249 (Tweed Development Limited), and supported by FS1368.3 and FS1368.4 (Man Street Properties Limited).

Area (PDP)	ODP	PDP (as notified)	Comments	Submissions
Precinct 1	<p>Permitted up to 12 m and 45° recession plane commencing at 10m; NC thereafter.</p> <p>Except:</p> <p>Where the new Precinct 1 is proposed over land zoned HDR in the ODP, the height is currently permitted up to 7 m on sloping and 8 m on flat sites with 45° recession plane; NC thereafter.</p> <p>The sites either side of Precinct 7 (fronting Hay and Brecon) are within the operative Transition Zone and buildings permitted up to 8 m and up to the max height permitted on any adjacent site (which is variously 1.5 m and 4 m above the level of Man St at the boundary with the sites to the south); NC thereafter.</p> <p>Secs 23-26 (The Lofts and Hamilton extension): 12m and no more than 1.5m above Man St; NC thereafter.</p> <p>All other sites in the block bound by Man, Shotover, Brecon, and Hay streets: 12m max and no more than 4 m above level of Man St; NC thereafter.</p>	<p>Permitted up to 12 m above ground level; RDIS between 12 m and 14 (15 m with 45° recession plane commencing at 12 m on single lakefront site adjacent to Earnslaw Park) and 4 story max; NC thereafter.</p> <p>Ballarat St corner site also subject to 7 m horizontal height plane commencing at the level of the proposed Inner Links road alignment.</p>	<p>Very little difference in reality as 10 m routinely breached via Resource Consent.</p> <p>Sites surrounding Precinct 7 are no longer subject to a horizontal plane requirement (to protect against high buildings at the rear of these sites and adjacent to Man St). Such building protrusions could potentially block views from (and overlook) 11 m high buildings atop the carpark building and may affect pedestrians views from Man St.</p>	<p>Yes - general and site specific; both in support and opposition.</p>
Precinct 1A	<p>Permitted up to 7 m on sloping parts and 8 m on flat with 45° recession plane on flat parts of the site; NC thereafter.</p>	<p>Permitted up to 14 m with a 45° recession plane commencing at 10m, and NC thereafter.</p>	<p>Significant difference in allowable height but in the context that the heights on the land around the site have all been increased via PC50.</p>	<p>Yes - in opposition and support.</p>

Area (PDP)	ODP	PDP (as notified)	Comments	Submissions
Precinct 2	Permitted up to 12 m and 45° recession plane commencing at 10m off Shotover St and 30° commencing @ 6.0m off Beach St; NC thereafter.	12 m and no recession plane on Shotover Street and a recession plane of 30° commencing at 6.5 m on Beach St and parapet on Beach St to be 6.5 - 7.0 m.	Higher buildings enabled on Shotover St and higher façades (by 0.5m) on Beach St to enable better 2 story design and/ or roof design without significantly affecting shading.	Yes - in opposition and support.
Precinct 3	Permitted up to 8 m (no recession plane) for the Church St block but for the area along the waterfront from Church St to Beach St a parapet height rule of 7.5-8.5 m and 45° recession plane commencing at 7.5 m is also applied.	8 m max height and no recession plane or parapet height rules.	Unchanged for the Church St/ Earl St block but the parapet height/ recession plane rule that applied to the lake front area is deleted.	Yes - in support and in opposition (to the extent that the operative rules are sought).
Precinct 4	Permitted up to 12 m and 45° recession plane commencing at 10m; NC thereafter. Except that On the north side of Church St (Nomads site and Night and Day) and the south side of Beach St (O'Connells and Stratton House) recession planes commence at 7.5m.	Provisions as per the ODP. Geographic application of this rule increased to include the north side of Church St and the south side of Beach St.	Provisions unchanged, except that they now also apply to the north side of Church St and the south side of Beach St (i.e. Nomads/ Night and Day, O'Connells, and Stratton House sites).	Yes - in support and in opposition (only to the extent that the recession plane for the identified sites has changed from 7.5m to 10m).
Precinct 5	Permitted up to 12 m and 45° recession plane commencing at 7.5m; and the street front parapet between 7.5m and 8.5m high; NC thereafter.	Provisions as per the ODP. Geographic application of this rule decreased to exclude the north side of Church St and the south side of Beach St.	Provisions unchanged, except that they no longer apply to the north side of Church St and the south side of Beach St, as outlined above.	No.
Precinct 6 (Soffitel)	12m and 45° recession plane commencing at 10 m and restricted to a level plane at 332.20 masl.	As per Operative District Plan.	Unchanged.	No.

Area (PDP)	ODP	PDP (as notified)	Comments	Submissions
Precinct 7 (Man Street carpark)	Permitted up to 8 m above ground level and up to the height allowed on any adjacent site (sites below can be 1.5 m above the level of Man St); NC thereafter.	11 m above 327.1 masl (carpark roof) and 4 m above 321.7 ²² within the viewshafts.	PDP potentially enables increased height in some places and lower height in others, depending on ground levels.	Yes - in support and opposition (seeking it be as per the ODP).
Buildings on wharves, etc.	Permitted up to 4 m above RL 312.0 masl (412.0m Otago Datum).	As per Operative District Plan.	Unchanged.	No.

22 The rule states "321.7 masl" however 2 original submissions request this be rectified to reflect the level of the concrete pad on the site, which is 321.7 masl.

10.20. In summary, in the PDP:

- a. Permitted heights in Precinct 1/ Precinct 1A have increased by virtue of the fact that the recession plane rule has been removed and buildings between 12m and 14m (15/ 15.5m on identified sites) are restricted discretionary rather than non-complying. However, given the 4 story maximum rule, the amount of additional floor space/ mass provided for by the rules is unlikely to change significantly. Of significance, Precinct 1 sites adjacent to the proposed Precinct 7 are no longer subject to a horizontal plane rule.
- b. Permitted heights in Precinct 2 have increased along the Shotover Street frontage and a minor (0.5 m) height increase has been provided along the Beach Street frontage in order to achieve better design while minimising shading effects.
- c. The rules relating to Precinct 5, Precinct 6, and buildings on wharves/ jetties are unchanged and no submitter has opposed these.
- d. Two large developed areas which were previously subject to restrictive (character-based) recession plane rules are now included in Precinct 4.
- e. In Precinct 7, the maximum height enabled is set at 11 m above the existing concrete slab (created by the underground carpark), which means the height enables a consistent building height across the site which is higher than under the ODP in some parts of the site and possibly lower in others.

10.21. The monitoring report identified that 59% of all breaches in the Town Centre between 2004 and 2011 were for over-height buildings. Further to this, the following table provides a list of relatively recently constructed buildings, which obtained resource consent between 1999 and 2015. This list is based on my own knowledge of development in the Town Centre over the past 17 years, rather than being an exhaustive list.

Resource Consent	Building description/ location	Extent of breach
RM010438	Discovery lodge, Shotover Street (val. 2910637200) - next to public open space in front of Man St Carpark PDP - Precinct 1.	Meets the 12 m but breaches the recession plane (is set back 700 mm to mitigate effect). Contains 4 storeys.
RM070263	Nomads backpackers, Church Street - between Church and Searle lane. PDP – Precinct 4/SCA.	Breaches 12 m height (approx. 15.75 m at the apexes/ chimney tops) and 7.5m recession plane significantly. Contains 4 storeys.
RM070600	Ngai Tahu (post office) development, corner of Camp and Stanley Street. PDP – Precinct 4.	Post office building exceeds 12 m height (12.83) and breaches recession plane by 2.83 m.

Resource Consent	Building description/ location	Extent of breach
-	Rear part of the Station building (2910632500), Duke Street. PDP – Precinct 1.	Breaches height (12.5 m) and slight breach of recession plane.
RM140381	New outside sports building/ old AMI building, 9 Shotover Street. PDP – Precinct 1.	Breaches 12m height (12.48 m) and breaches the recession plane by 2.1m.
RM990598	Stratton house, south side of upper Beach Street. PDP – Precinct 4/SCA.	Meets the 12 m and breaches the 7.5 m recession plane (even though setback 4 m)
RM051210	Mountaineer building, corner Shotover and Rees Streets.	Meets the 12 m maximum height. Includes a recessed 4 th storey and a basement level.
RM030719	Forge building, corner of Camp and Shotover streets.	Meets the 12 m maximum height but breaches the recession planes by up to 750mm.
RM010019	Brazz building, corner, 50 Stanley Street - opposite the Courthouse.	Breaches the maximum 12 m height (chimneys and the apex of the roof).
RM030889	Northface/ Barkers/ Huffer Building (Old outside sports building), Shotover St.	RM030889 – no height breach (breached other rules however, including coverage).
RM150881	23- 27 Beach St. Old vudu redevelopment.	Meets 12 m maximum building height and but breaches recession plane by 760mm (vertically).
RM010322/ RM150935	Forsyth Barr building, lower Shotover Street (Lot 1 DP350318) NB - this was approved prior to the rules being amended (to prevent such height in the rear of the site) as is the case in the Operative District Plan.	Breaches 12m maximum height limit (glass balustrading) and alterations breached the 12m maximum limit in three places by a maximum of 0.58m.
RM140212	New building comprising World and others next to Eichardts Hotel, 9-11 Marine Parade.	Breaches the street front parapet and recession line and the max height (8m) by up to 3.2m.
RM000812	ASB building, Camp Street.	Meets the maximum height rules but exceeds the recession plane controls.
RM000902	Church Street development (Church/ Earl/ Camp/ Marine Parade block).	Meets the maximum 8 m building height limit. However, it breaches the building coverage rules however.

- 10.22. As evidenced by the above examples, very few buildings manage to be designed within the ODP height rules and, as such, the emerging character does not reflect those rules. This suggests to me that:
- a. While the height rules might be an effective (albeit indirect) way of improving building design and enabling case by case assessment of effects and overall design, they are not efficient and do not provide any certainty or direction as to what height breaches may be appropriate and why.
 - b. The ODP rules do not accurately reflect the existing character/ environment and that the PDP rules proposed are a more accurate reflection of the bulk and form that has been evolving, particularly in Precinct 1, over recent years via non complying resource consents.
- 10.23. Shading modelling, using CityEngine software was undertaken by Council's IT Department in 2014 to test the extent of additional shading under various height scenarios and to inform the height rules. It has proven to be a valuable tool in this respect. While not its primary purpose, the model also provides an indication of the outcome that could be expected in terms of bulk and mass of buildings relative to street widths and adjacent buildings and open spaces. In the case of Precinct 7 and the surrounding Precinct 1 sites, the effect that the various scenarios may have on visual amenity, architectural outcomes, economic viability, and public and private views within the zone has also been able to be considered. Usefully, for all areas other than Precinct 1A, the existing built environment is also included in the model, which provides useful context in terms of the existing use rights/ receiving environment of the Town Centre and shows how extensively the buildings encroach beyond the permitted heights.
- 10.24. For those streets/blocks/sites where height has been specifically (and in the case of Precinct 1 generally) opposed by submitters, snapshots of various scenarios have been created from CityEngine and these are attached as Appendix A to Mr Church's evidence. Where possible these snapshots provide an indication of the shading and visual dominance effects created by the heights permitted by the ODP, those permitted by the PDP, those heights sought by submissions; and/or those recommended by me in consultation with Mr Church.
- 10.25. In terms of the methodology, assumptions and limitations of the model itself as I understand it, the key points are:
- a. Zoning envelopes were created in CityEngine automatically from land parcels by applying a number of rules to control the geometry of the zone (height, width, recession angles).
 - b. The heights are generated from a LiDAR 0.5m digital terrain model for each site. This was loaded into the City Engine modelling software and the average height across each site was calculated and used as the basis for existing ground level and all further

analysis. Noting that on sites that have variable elevation there would be many factors that would determine the actual ground height for any one development.

- c. The existing built environment has been automatically generated from the building footprints and LiDAR and are organised according to the Local Government Information Model schema, part of the Local Government Scenes solution.
- d. The shadows scenarios (i.e. the screenshots from CityEngine) for zoning envelopes and modelled buildings use the azimuth and elevation of the sun calculated at the time and date specified using www.sunearthtools.com/dp/tools/pos_sun.php.

10.26. In terms of how the model has been used for the purposes of considering submissions on the notified chapter, I make the following additional comments:

- a. The heights are based on the LiDAR data for each site.
- b. The snapshots are taken at the middle of the traditional lunchtime on 11 July and 11 August, with the rationale being that this is a busy time for pedestrians and diners may wish to eat outside. The July date was chosen as it falls within the winter peak season when it is usual for the New Zealand and a number of Australian states school holidays to coincide and when the ODP building heights generally provide acceptable sunlight to the opposite side of the wider streets. The August date was chosen as it is still relatively busy and is when the ODP building heights provide an acceptable extent of sunlight to the opposite side of the narrower pedestrian streets.
- c. In regard to the Man Street block, the CityEngine model was used primarily to test the shading on Shotover Street and secondarily to illustrate the indicative height envelope for the block. The Reduced Levels (**RLs**) of the Man Street carpark concrete slab were used as a basis for modelling the building heights and viewshafts that are being recommended on that site. The model for the remainder of the block (i.e. the adjacent sloping sites) was imported from SketchUp software. This was used to model the rolling height limits that are being recommended for the block and was based on stringing together the cross sections of the interpolated ground levels and using the surveyed levels of Shotover, Man, Brecon, and Hay streets. In my opinion this is a reasonably accurate reflection of the methodology that will be used to determine ground levels and allowable heights when someone applies for resource consent on these sites.

10.27. While many submissions generally support the increases in height (discussed in more detail under each height precinct), others are opposed to such increases. In response to these general submissions and for the reasons outlined below, I consider it is appropriate in principle that building height be increased beyond those set in the ODP in some parts of the Town Centre in order to achieve the objectives of high quality urban design, character, heritage values, and sense of place.

10.28. Each of the precincts is discussed in turn below in relation to the submissions received specifically on each precinct, and I also rely on the expert evidence of Mr Tim Church.

Height Precinct 1

10.29. Notified Precinct 1 includes generally that land outside the SCA, that still offers considerable potential for redevelopment and that results in the least shading effects (over and above the existing situation). It includes most of the land fronting Shotover and Stanley Streets, the newly added Town Centre zoning on upper Brecon Street, and 48-50 Beach Street which is adjacent to Earnslaw Park. The latter is recognised as a unique case due to its existing use rights and the opportunity the site provides to create a landmark building when redeveloped in the future. The highest building heights in the Town Centre are allowed in this area.

10.30. With regard to notified Rule 12.5.10.1, Submitters 59 (Lynda Baker), 82 (Toni Okkerse) and 206 (Lindsay Jackson) seek that the maximum height limit in Precinct 1 be changed from 12m to 8.5m. The reasons given by submitter 59 are that increasing height will adversely affect views, sunlight, and the quality of public spaces; contradicts notified Policies 12.2.2.2 (regarding maintaining the existing human scale of the CBD and contributing to the quality of public spaces and footpaths and positively responding to the Town Centres character) and 12.2.2.3 (regarding retaining and providing important view shafts of surrounding landscapes and maintaining sunlight access to public spaces and footpaths); and will increase the number of workers and visitors to the Town Centre and this will increase traffic congestion, pollution and parking. These are variously opposed and supported by a number of further submitters.²³

10.31. Similarly Submitter 599 (Peter Fleming) opposes Precinct 1 (notified Rules 12.5.9 and 12.5.10) as it affects the village square proposal and the waterfront.

10.32. To the contrary, Submitter 606 (Skyline Investments Limited & O'Connells Pavilion Limited) supports the 15m height allowance for secs 4-5 Blk Xv Queenstown Tn (the lake front site adjacent to Earnslaw Park currently occupied by AVA backpackers) (opposed by FS1063.24 and FS1063.26 (Peter Fleming and Others); submitter 609 (Skyline Properties Limited & Accommodation and Booking Agents Queenstown Limited) supports the 14m height allowed on the Chester building site on Shotover Street (opposed by FS1063.31, FS1063.32 and FS1063.33 (Peter Fleming and Others); Submitter 614 (Shotover Memorial Properties Limited & Horne Water Holdings Limited) supports the inclusion of 9 Shotover St in Precinct 1 and the

²³ Submitter 59 is supported by FS1059.6 and FS1059.43 (Erna Spijkerbosch) FS1063.43 and FS1063.44 (Peter Fleming and Others) and opposed by FS1236.1 and FS1236.2, (Skyline Enterprises Limited), FS1075.1 (Oxford Holdings Limited), and FS1125.8 (New Zealand Fire Service). Submitter 82 is supported by FS1063.39 (Peter Fleming and Others) and opposed by FS1107.3 (Man Street Properties Ltd) FS1125.9 (New Zealand Fire Service) FS1226.3 (Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited), FS1234.3 (Shotover Memorial Properties Limited & Horne Water Holdings Limited), FS1236.4 (skyline Enterprises Limited), FS1239.3 (Skyline Enterprises Limited & O'Connells Pavilion Limited) FS1241.3 (Skyline Enterprises Limited & Accommodation and Booking Agents), FS1248.3 (Trojan Holdings Limited & Beach Street Holdings Limited), FS1249.3 (Tweed Development Limited), FS1274.23 (John Thompson and MacFarlane Investments Limited). Submitter 206 is supported by FS1063.51, FS1063.52, and FS1063.56 (Peter Fleming and Others) and opposed by FS1060.1 (Oxford Holdings Limited) FS1236.9 and FS1236.10 (Skyline Enterprises Limited), FS1274.31 and FS1274.32 (John Thompson and MacFarlane Investments Limited).

14m/ no recession plane height rule that applies (supported by FS1200.1, FS1200.2, and FS1200.3 (Stanley Street Investments Limited and Stanley Street Limited and Kelso Investments Limited), and Submitter 438 (The New Zealand Fire Service) requests that notified Rule 12.5.9 be retained.

- 10.33. For the reasons contained in Mr Church's evidence and in the S32 report²⁴ and as further discussed below, in my opinion, with the exception of removing the reference to 4 stories and enabling the creation of landmark buildings to be considered at resource consent stage, the Precinct P1 height rules are the most appropriate when compared with the alternatives sought (i.e. a maximum 8.5 m height, the ODP rules, or increasing heights beyond the 12 m proposed).
- 10.34. In my opinion, the proposed height rules for Precinct 1 will be both effective and efficient at achieving the objectives of creating/maintaining a Town Centre that is relevant to both residents and visitors (driven in part by enabling more affordable upper floor space through reduced compliance costs) (notified Objective 12.2.1); achieving high quality urban design outcomes and creating a sense of place (notified Objective 12.2.2); and creating a compact and easily accessible Town Centre (notified Objective 12.2.4). The rules strike a balance between the status quo and enabling some modest increases in height which will help design and efficiency without adversely affecting shading to an extent that I consider to be unacceptable.
- 10.35. More specifically, the proposed Precinct 1 height rules will achieve notified Policies 12.2.2.2 (regarding human scale and the quality of public spaces and footpaths and character) and 12.2.2.3 (regarding retaining and providing important view shafts of surrounding landscapes and maintaining sunlight access to public spaces and footpaths). I also concur with Mr Church (paragraph 5.16) that the proposed height is within the commonly accepted building height to road width ratios (ideally between 1:3 and 1:1.5 range), with the rules enabling a ratio of around 1:1.6, which I consider to be appropriate given the objective of a compact Town Centre contained by the surrounding topography.
- 10.36. Relying on the shade model (refer Figures 10 and 12 in Mr Church's Appendix A),²⁵ in my opinion, the increase in shading of public places that may result from removing the recession plane rule will be minimal. In concluding this I note that, through modelling and visual analysis, it was clear that heights over 12 m could potentially have unacceptable adverse effects on sunlight access to public space (including footpaths) and, as such, the 14 m height allowance is as a restricted discretionary activity and there should be no presumption that it will be appropriate in all instances. Provided the cumulative effects of any additional height can be assessed and that there is a net overall benefit from the additional height (as identified in notified Policy 12.2.2.4) then allowing some buildings to extend up to 14 m on a case by

24 S 32 Evaluation Report Queenstown Town Centre, pages 19 – 21.

25 At pages 10 and 11.

case basis would be appropriate (and beyond this in limited instances subject to non-complying consent). Of particular note, as discussed in some detail by Mr Church and as illustrated in Appendix A of his evidence the shading effects from the heights permitted on the sites specifically mentioned in submissions in my opinion, are appropriate.

- 10.37. Whereas I had undertaken shading analysis using the model in the drafting of the provisions, Mr Church and I conducted further analysis in the preparation of this evidence. Our analysis was based on criteria that the maximum permitted building height should not create any more than minor additional shading on a 2.5 m strip of public pedestrian space on the opposite side of the road up until at least 12.30 pm (i.e. mid lunchtime) and that this should be assessed at or around the time of the year that this strip comes into full sun under the ODP rules (i.e. following the mid-winter months). We acknowledged that on most streets this strip will be in full shade during the busy lunch hour for many of the winter months even under the ODP rules and that, on this basis, there was little point in considering shading effects during those months as essentially they would be nil.
- 10.38. Furthermore, we considered that this key strip of public space should be in sunlight for as many months of the year as possible; noting how important the amenity and vibrancy of the Town Centre is to the economic and social wellbeing of the wider community and that, during the day, access to sunlight is an important component. We also concluded from the model that using the equinox as the key date was of little use as, in most instances, there would be little if any effect on sunlight over the critical public space at the time of the year regardless of the height being tested. For the reasons outlined above regarding the amenity, social and economic benefits that accrue from providing sunny outdoor space, I considered it inappropriate to impose heights that would provide little or no sun to key spaces and busy footpaths for up to 6 months of the year. This all translated to testing the model on wider streets such as Shotover Street on 11 July (which is also one of the busiest months in terms of tourism) and the narrow pedestrian streets of Beach St and the Mall on 11 August.
- 10.39. In my opinion, 14 m high buildings can be designed to achieve a human scale and to accommodate 4 storeys of reasonable internal quality and an interesting roof. Enabling this as a restricted discretionary activity (as opposed to being non complying under the ODP) is far more efficient than triggering a non-complying consent and should have the indirect effect of discouraging those wishing to develop 4 storeys from the temptation to squeeze them into 12m as has occurred in the past in at least two instances; with relatively poor results, in my opinion. These two examples are shown in Appendix A of Mr Church's evidence.
- 10.40. Specifically in relation to 48-50 Beach Street, I concur with Mr Church that the shading effects of the proposed height limits as compared with the ODP building height are minimal. Taken holistically, the effects of enabling redevelopment of this important, potentially landmark site in the future by providing more permissive rules which would enable rooftop 'plant' to be incorporated in the roof form, higher stud heights, and a higher quality form overall are

positive. As such, I am of the opinion that applying Precinct 1 to this site is most appropriate. Furthermore, based on the submissions of Submitter 606 (Skyline Investments Limited & O'Connells Pavilion Limited) who supports the 15m and submitter 20 (Aaron Cowie) who seeks higher heights, I agree with Mr Church that the role of landmark buildings should be included as a matter of discretion in relation to whether granting restricted discretionary height is appropriate (see amended Policy 12.5.9 in **Appendix 1**).

- 10.41. Relying on the analysis that I have undertaken in relation to the added capacity enabled by the changes in the height rules, I am of the opinion that any increase in capacity will be insignificant. As evidenced by existing resource consents approved within Precinct 1 in recent years²⁶ (as outlined earlier) and the shading model, the extent to which existing built form has been allowed to encroach into the recession planes and, to a lesser extent, the height limit in order to maximise gross floor area (**GFA**) (and enable 4 storey development where desired) is widespread. As such, I am of the firm view that while the PDP rules will impose a lesser consenting barrier and lower consenting costs, the increased height is likely to enable or encourage only a modest increase in capacity and will have no significant effect on the number of workers and visitors to the Town Centre, traffic congestion, pollution, or parking.
- 10.42. In relation to Precinct 1A, Submitter 383 (QLDC) requests that notified Rules 12.5.9 and 12.5.10.1 be amended such that building height up to 12 m is permitted, heights between 12 and 15.5 m are restricted discretionary, and those beyond that are non-complying. This is opposed by FS1236.12 (Skyline Enterprises Limited), who requests an absolute height limit of 17.5 m over Section 1 SO 22971 in order to accommodate future upgrades to the Gondola bottom terminal.
- 10.43. Submitter 574 (Skyline Enterprises Limited) requests that the proposed maximum height allowed in Precinct 1A be changed to 15.5m to avoid the current ambiguity and contradiction. This is opposed by FS1063.22 (Peter Fleming and Others).
- 10.44. Submitters 663 (IHG Queenstown Ltd and Carter Queenstown Ltd), 667 (Cedric Hockey), and 672 (Watertight Investments Ltd) suggest some minor wording amendments to the Precinct 1A rule, which I recommend accepting (see Rules 12.5.9 and 12.5.10 in **Appendix 1**), noting that they are for clarification only. Submissions 663 and 667 are opposed by FS1139.14 (Carl & Lorraine Holt), FS1191.13 (Adam & Kirsten Zaki), and FS1236.13 (Skyline Enterprises Limited) respectively.
- 10.45. For the reasons contained in the original S32 assessment²⁷ and in the further S32AA assessment included as **Appendix 4**, I consider that the amendments sought by the QLDC in terms of height within Precinct 1A are the most appropriate, when compared with the

26 S 32 Evaluation Report Queenstown Town Centre, pages 19 - 21

27 Appendix 3

alternatives of imposing the operative permitted building height (i.e. 7/ 8 m); retaining the notified PDP provisions (i.e. permitted up to 14 m and non-complying thereafter); or enabling the height requested by the further submitter (17.5 m). Of relevance, since the s 32 report was prepared and the PDP notified, Plan Change 50 has become operative. As such, the sites on the opposite side of Isle Street from this site are subject to a 12m height limit plus an additional 2 m roof bonus (and height can extend up to 15.5m if the site exceeds 2,000m² and fronts Isle or Man Street) and the site on the opposite side of Brecon Street, adjacent to the cemetery is subject to a 15.5 m height limit plus an additional 2 m for any roof that is set back from boundaries and is limited to 40m² in area.

- 10.46. In summary, the key reasons for recommending the 12 m as permitted (with a recession plane) and up to 15.5 m as restricted discretionary are that it utilises the rule framework that is proposed for Precinct 1 (i.e. a base level of allowable height and additional height provided the building is well designed) but enables more height (i.e. 15.5 m rather than 14 m) than is enabled in most parts of Precinct 1 in order to be as consistent with building heights on surrounding properties as possible. To the contrary, the ODP 7/ 8 m limit is inconsistent with the heights enabled by Plan Change 50, which affects many of the adjacent properties.
- 10.47. The notified limits are somewhat nonsensical in that Rule 12.5.10.1 makes all building over 14 m non complying, thereby making the discretionary rule (which in theory enables buildings up to 15.5 m) redundant; permitting either a 14 m or 15.5 m height limit as per the PDP or as sought by Skyline are considered too high in the context of the site, which is highly prominent from Gorge Rd and Hallenstein Street and the cemetery and may result in unacceptable shading on Brecon Street. The further submitter's request for a 17.5 m height is considered to be out of scope in that it goes beyond what is allowed by the PDP or is sought by the original submission.
- 10.48. The recommended changes to notified Rules 12.5.9 and 12.5.10 are included in **Appendix 1** and a Section 32AA of the amended height rules is included in **Appendix 4**.
- 10.49. Submitter 630 (DowntownQT) supports an intensification of residential development along with additional height allowances; regards the caveat around Green Star ratings as being worthwhile; and agrees that if developers achieve a Green Star rating they should be able to add additional height to a building provided new buildings must be fit for purpose.
- 10.50. I am aware that in her s42A report on the Medium Density Residential Zone chapter, Ms Leith has recommended against retaining the provision allowing greater density where 6 star Homestar rating is proposed. While some of her concerns (e.g. the zone turning into a de facto HDR zone) are not relevant in the QTTC context, I do share her concerns regarding the implementation of the Homestar rating tool and that there is a real risk that increased height may be granted on the basis of compliance with the tool and yet if it is not constructed to that standard the height would be difficult to reverse. While notified Policy 12.2.2.5 could be

amended to include this as a possible reason for allowing additional height, on balance I am not recommending any change to the rules or policy in this regard in order to achieve a consistent approach across the PDP. I also note that the stringent insulation requirements for all residential and visitor accommodation in the QTTC Zone will go some way toward assisting with achieving sustainable buildings.

Height Precinct 2

- 10.51. Precinct 2 covers the block bound by Shotover, Camp, Rees, and Beach Streets. It is unique in that the narrow width of upper Beach Street means that buildings within this precinct must adhere to a shallow recession plane off this boundary yet there is no adverse shading effects from enabling heights to extend up to 14 m in this block subject to complying with that recession plane.
- 10.52. Submitter 383 (QLDC) requests that notified Rule 12.5.10.1 be amended to clarify that Precinct 2 is subject to notified Standard 12.5.10.1 and that, as such, buildings can extend to 14 m in Precinct 2. As notified it could be interpreted that Precinct 2 is subject to this rule (as alluded to by 12.5.10.1(d)) or that it is subject to a 12 m height limit as per notified Rule 12.5.10.5. The amendment proposed in **Appendix 1** accepts the submission and this reflects the rationale outlined in the S 32 report that the greater height is enabled in order to offset the relatively restrictive recession plane/ façade height enabled on the Beach Street frontage of that block and recognising that a considerable proportion of ownerships within the block run through the whole block and have frontage to both streets.
- 10.53. Submitter 616 (Trojan Holdings Limited & Beach Street Holdings Limited) requests that notified Rule 12.5.10.1(d), which sets a maximum and minimum parapet height along part of Beach St, be deleted. The submitter considers that the recession plane on the north side of Beach Street (along with the setback rule) will limit the efficient use of a scarce resource, will place significant limits on development potential without any identifiable benefits, is not necessary as a suitable design can be achieved without arbitrarily imposing additional bulk and location controls, and will be ineffective and unnecessary in encouraging sunlight into Beach Street, considering that the angle of the sun is such that the recession plane control has no impact on the level of sunlight in the street.
- 10.54. While there are no other submissions that specifically relate to Precinct 2, the submission from submitter 417 (Mr Boyle) which seeks that the operative height rules be retained allows the Panel to further consider its appropriateness.
- 10.55. The following scenarios were modelled for Precinct 2, using the CityEngine software:
- a. 6.0 m facade and a 30° recession plane (i.e. ODP).
 - b. 6.5 m facade and a 30° recession plane (i.e. PDP).

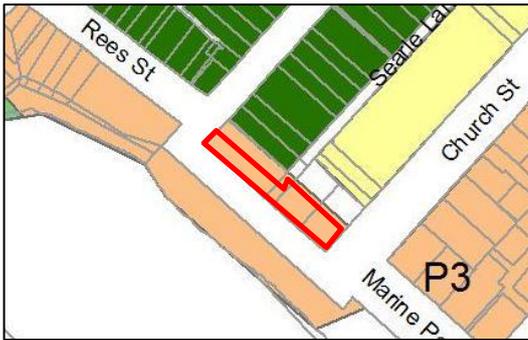
- c. 7.0 m facade and a 30° recession plane (i.e. to test the merit of the submitters request to delete the recession plane entirely and the effect of deleting the setback but continuing to allow a parapet to protrude through the recession plane by 0.5 m).
 - d. 6.5 m facade and a 45° recession plane (i.e. to test the merit of submitters request to delete the recession plane entirely).
- 10.56. The first three of these are illustrated (in accordance with the criteria outlined earlier in this report) in the visuals attached as Appendix A of Mr Church's evidence. In summary that modelling concluded that at 12.30 pm on 11 August the 2.5 m of public space was fully in sun under the ODP rules; the effect on sunlight access at this same time under the PDP rules was only minor (along the frontage of Glassons), and that minor reduction in sunlight access would remain for about 1 week. The effect on sunlight access at this same time under a 7 m high recession plane rule was significant and in my opinion is unacceptable and not justified by the small increase in building height.
- 10.57. Considerable thought went into the provisions relating to Precinct 2 to enable as much height as possible on the Beach Street frontage to provide additional height up to 14 m as permitted along the Shotover Street frontage (in recognition of the restrictive rules on Beach Street) in order to enable well designed built form and efficient landuse, while preventing any more than minor additional shading of Beach Street. It is noted that in many instances, the same owner owns the land right through from Beach Street to Shotover Street and, therefore, is able to design a comprehensive development which can take advantage of the rules in order to maximise development potential. I note that Mr Church and I were also cognisant of how narrow Beach Street is and therefore that buildings on boundary with a frontage of more than, say 7-8 m in height, would appear out of scale with the street, regardless of shading concerns.
- 10.58. For these reasons and those given in the s 32 report, the proposed heights are considered to be the most appropriate way of enabling development within the Precinct 2 block which meets the objectives of the PDP and, as such, no change is recommended.

Height Precinct 3

- 10.59. Notified Precinct 3 covers the land directly abutting the QTTC waterfront subzone extending from Earl Street to (and including) Steamer Wharf, as well as the recently developed block bound by Marine Parade, Church, Earl, and Camp streets. This area allows the lowest absolute height in the QTTC, which reflects the ODP rules for this area (identified in the ODP as 'precinct 2 of the SCA' and as a specific area identified on the planning map.
- 10.60. Submitter 606 (Skyline Investments Limited & O'Connells Pavilion Limited) supports the notified Rule 12.5.10 (including removal of the parapet and recession plane controls) in relation to the Marine Parade frontage site and the dairy corner (being that site which extends

from the area of Precinct 1 (on notified Figure 2) on the waterfront around the corner of Beach and Rees streets). This is opposed by FS1063.24 (Peter Fleming and Others).

- 10.61. Submitter 609 (Skyline Properties Limited & Accommodation and Booking Agents Queenstown Limited) supports removal of those parapet and recession plane controls that would otherwise be applicable to the Town Pier site and Part Section 16 and Lot 1 of the Eichardts site (opposed by FS1063.31 (Peter Fleming and Others)).
- 10.62. Also of relevance, submitter 417 (John Boyle) seeks that the operative height rules for the QTTC be reinstated.
- 10.63. In the ODP, these sites are within an 8 m building height restriction area but are also subject to a 45° recession plane commencing at 7.5m above any street boundary. The 8 m height limit is considered effective and efficient, without the added requirement given that a recession plane commencing just 0.5 m below the maximum allowable height would be ineffective at mitigating shading effects or influencing design in any positive way. As such, I do not recommend including the recession plane rule but, for the reasons outlined in the evidence of Ms Gillies (paragraph 7.2), I recommend reinstating the ODP rule specifying that a parapet shall be between 7.5 and 8.5 m in height and may protrude (0.5m) through the maximum height plane. I rely on submission 417 to do so.
- 10.64. In terms of the boundaries of Precinct 3, Submitter 383 (QLDC) requests that Precinct 3 be extended to include those areas to the immediate north, which are currently either included in Precinct 5 or not included within any precinct (i.e. the rear parts of the Marine Parade Site at the corner of Marine Parade and Church Street have no precinct assigned to them). Similarly, submitter 606 (Skyline Investments Limited & O'Connells Pavilion Limited) requests that the portion of the Marine Parade Site that is currently not shown within a Height Precinct be included within Precinct 4 and the Height Precinct Map be amended accordingly. This is opposed by FS1063.30 (Peter Fleming and Others).
- 10.65. These sites are shown in red in the plan below entitled "Source: Figure 2 - Notified PDP". As can be seen from the other two plans, realigning Precinct 3 boundary to include these two areas corresponds a) with the boundary of the ODP and b) with the physical buildings and cadastral boundaries. It would be nonsensical to split these existing sites into different height precincts and, as such, relying on submitters 417 (Mr Boyle) and 383 (QLDC), it is recommended that the Height Precinct Map be amended as shown in **Appendix 1**.



Source: Figure 2 - Notified PDP



Aerial photograph.



Source: Planning map 36 - Operative District Plan

Height Precinct 4

10.66. Notified Precinct 4 includes the land to the north of Earnslaw Park on the northern side of lower Beach Street, the Novotel hotel site, the land on the north side of Camp Street and east of (and including) the post office, most of the western side of Church Street, and most of the eastern side of upper Beach Street. This area is subject to the OPD height rule, which allows 12 m building heights with a 10 m high recession plane. In general, these areas have either been recently (re)developed or the shading effects of not imposing a recession plane are not considered acceptable.

- 10.67. In relation to Precinct 4, submitter 606 (Skyline Investments Limited & O'Connells Pavilion Limited) supports the notified Rule 12.5.10 (including removal of the parapet and recession plane controls) in relation to the O'Connells site and submitter 616 (Trojan Holdings Limited & Beach Street Holdings Limited) supports notified Rule 12.5.10 as it applies to Stratton House, including the height recession plane control as provided in notified Rule 12.5.10.5(a).
- 10.68. The general submission by Submitter 417 (Mr Boyle) seeks a return to the ODP rules zone-wide.
- 10.69. I note that both Ms Gillies and Mr Church favour replacing the Precinct 4 that has been applied to the majority of the north side of Church Street (i.e. the premises extending from Nomads to the Night and Day) and to the majority of the south side of upper Beach Street (i.e. containing O'Connells Mall and Stratton House) with Precinct 5. The effect of this is that a (45°) recession plane commencing at 7.5 m above the street boundary would be applied to these sites, rather than a recession plan commencing at 10 m as in the notified Rule 12.5.10.
- 10.70. Relying in part on the evidence of Ms Gillies and Mr Church, I am of the view that it is more appropriate to apply Precinct 5 (i.e. the 7.5 m recession plane) to these two areas, particularly in relation to the south side of Beach Street. I note that both areas contain sites that will be redeveloped over time, both are within the SCA and therefore are subject to the guidelines (which supports a 3rd storey being setback from the façade), and that a 10 m high façade on the boundary is likely to have adverse effects either on visual dominance, character, or sunlight access. I also highlight that with the setback on Beach Street recommended to be removed this heightens the concern that 10 m high building facades on the boundary of such a narrow street is inappropriate and inconsistent with the existing environment. The reasons are more fully outlined in the evidence of Ms Gillies (paragraphs 8.1-8.6) and Mr Church (paragraphs 18.1 to 18.7), as well as in my s 32AA evaluation.
- 10.71. I therefore recommend applying Precinct 5 to those parts of the north side of Church Street (i.e. the premises extending from Nomads to the Night and Day) and the south side of upper Beach Street (i.e. containing O'Connells Mall and Stratton House) that are shown as Precinct 4 in the notified Figure 2. This change has been made to redraft Figure 2 in **Appendix 1** and a s 32AA evaluation is included in **Appendix 4**.

Height Precinct 5

- 10.72. Notified Precinct 5 includes the land either side of The Mall (lower Ballarat Street) and that area on the north-eastern side of Rees Street, between The Mall and Beach Street. While it enables buildings up to 12 m, a 7.5 m recession plane is imposed, which reflects the fact this area is at the core of the Special Character Area and within a heritage precinct and acknowledges the narrowness of The Mall. The notified height rules (12.5.10) that apply to

this area are unchanged from the ODP and, as it attracted no submissions in opposition, it need not be further considered in this report.

Height Precinct 6

10.73. Notified Precinct 6 includes that triangular parcel of land bound by Duke, Man, Brecon and Camp Streets, to which a site specific height rule is applied. It is unchanged from the ODP and as it attracted no submissions in opposition to this, it need not be further considered in this report.

Height Precinct 7 and the surrounding Height Precinct 1 land within the Man St block²⁸

10.74. Notified Precinct 7 includes the majority of the land bound by Man, Brecon, Hay, and Shotover Streets and notified Rule 12.5.10 applies a range of site-specific height rules to that area.

10.75. Submitter 383 (QLDC) requests that the typographical error in notified Rule 12.5.10.4 be amended such that reference to 321.7 masl is changed to 327.1 masl. This is opposed by FS1274.37 (John Thompson and MacFarlane Investments Limited).

10.76. Submitter 417 (John Boyle) requests that the maximum building heights enabled in the block bounded by Man, Brecon, Shotover and Hay Streets be no greater than those enabled in the ODP and any other related, consequential or alternative relief. A number of further submissions²⁹ oppose this.

10.77. Submitter 398 (Man Street Properties Limited (**MSP**)) supports its site being in Precinct 7 and the 11 m height limit that applies but requests that the viewshafts on the site be confirmed or moved so the western-most view shaft is positioned to correspond with Section 26 Block IX Town of Queenstown. This is opposed by FS1274.5, FS1274.6, FS1274.11, and FS1274.18 (John Thompson and MacFarlane Investments Limited).

10.78. In relation to the Precinct 1 sites surrounding Precinct 7, Submitter 398 (MSP) requests that those sites adjacent to it are also subject to rules which impose a maximum height based on specified Reduced Levels (**RLs**)³⁰ (rather than simply allowing 12 m above ground level) and

28 That block bounded by Man, Shotover, Hay, and Brecon Streets.

29 FS1107.158 and FS1107.159 (Man Street Properties Ltd), FS1226.159 and FS1226.160 (Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited), FS1234.159 and FS1234.160 (Shotover Memorial Properties Limited & Horne Water Holdings Limited), FS1239.159 and FS1239.160 (Skyline Enterprises Limited & O'Connells Pavilion Limited), FS1241.159 and FS1241.160 (Skyline Enterprises Limited & Accommodation and Booking Agents), FS1248.159 and FS1248.160 (Trojan Holdings Limited & Beach Street Holdings Limited), and FS1249.159 and FS1249.160 (Tweed Development Limited).

30 Amend the maximum height control for the following sites as follows:

- Section 6 Block IX Town of Queenstown - Maximum height 338 masl
- Section 5 Block IX Town of Queenstown -Maximum height of 331 masl
- Section 1-4, 29 & 30 Block IX Town of Queenstown -Maximum height of 328 masl
- Lot 1 DP 350318 - Maximum height of 337 masl
- Sec 26 Block IX Town of Queenstown - Maximum height of 330.1 masl
- Sec 21,23-25 Block IX Town of Queenstown and Part Lot 2 and Lot 4 DP 7789 and Lot 2 DP 25433 - Maximum height of 328 masl.

that the maximum height control on Lot 1 DP 25433 (30 Man St) should better reflect the maximum height controls proposed within this submission and other height controls on Man St (although no particular height rule is sought). This is opposed by FS1274.12, FS1274.14, and FS1274.15 (John Thompson and MacFarlane Investments Limited).

- 10.79. Similarly, submitter 548 (Maximum Mojo Holdings Limited) requests that the building height limit for 10 Man Street is the same as the height limit for Precinct 7. This is further submitted on by FS1117.215 and FS1117.216 (Remarkables Park Limited) but it is unclear whether it supports or opposes the submission.
- 10.80. Of relevance, as previously outlined under the zone-wide height rules, submitter 20 (Aaron Cowie) (opposed by FS1059.4 and FS1059.7 (Erna Spijkerbosch) and supported by a late further submission by FS1368.1 and FS1368.2 (Man Street Properties Limited) seeks that all areas should have significantly higher property heights, especially towards the centre of Queenstown and far greater density with houses of 4-5 stories as the norm, with hotels even higher.
- 10.81. Also of relevance, as previously outlined under the zone-wide height rules, submitter 238 (NZIA) (supported by a late further submission from MSP), suggests that there could be incentives within the rules, such as additional height in exchange for linkages offered in desired areas.
- 10.82. I rely on the submission of Mr Cowie to provide scope to recommend amended heights which may be higher than what is achievable under the ODP or the PDP in some parts of the block. I also consider that the submission by NZIA provides the opportunity to provide extra height in some areas of the site in lieu of lowering it on the view shafts in other parts so that they can serve as open space and potentially as linkages through the site. Notably, MSPs further submissions (FS1368.1 and FS1368.2) notes the following as one of the reasons for the further submission:

Since plan change 50 has been confirmed the submitter has had to give greater consideration to issues of height given the height increases allowed within the Isle Street blocks located across Man St from their land.

- 10.83. Given the steeply sloping nature of the Man Street block, I agree with MSP that enabling buildings to extend up to 14m above original ground level, including on relatively elevated (rear) parts of their sites, without a corresponding horizontal plane rule will result in adverse effects on views, visual amenity, massing and bulk, and on the overall quality of the resultant architectural and urban design outcomes. As such with the assistance of modelling, I have recommended rules for the block (redraft Rules 12.5.10.4). The outcome of these rules is modelled in Appendix A of Mr Church's evidence. While the rules themselves are worded differently to those suggested by MSPs submission, the outcome is not dissimilar to that

sought and, in my opinion, is an appropriate way of addressing the submitter's key issues as well as achieving the objectives of the District Plan.

10.84. The recommended rules are necessarily complex due to the flat carpark site being surrounded by sites with steeply rolling ground levels and are best explained with the help of the following plan, which is recommended to be included within Rule 12.5.10 of the PDP, noting that the rule applies different height rules to areas A - F as shown below:



10.85. The recommended heights will be achieved by retaining those areas shown in green above within Precinct 1 and including all other sites within Precinct 7 and applying specific height rules to various parts of that precinct, as shown above.

10.86. The recommended approach to height on the Man St carpark site (shown as Areas A - D in the height plan above) is to enable buildings to extend to 11 m above the known height of the concrete slab east of the central viewshaft (Area D) (which I recommend be moved further west as sought by MSP for the reasons in the submission); buildings up to 14 m above the concrete slab in that area west of the central viewshaft (Area D); no buildings within the eastern viewshaft (Area C); and a maximum 3 m building height within the central viewshaft

(Area D). This provides for two discrete building forms to be constructed of varying levels separated by viewshafts/ open plaza spaces of approximately 12m and 16m in width respectively, which:

- a. will prevent a long horizontal built form stretching across this highly visible site; and
- b. enable an extra floor of development in the western block, which in turn results in a more consistency with the surrounding properties, still provides for 3 floors with uninterrupted views to the south (noting that the sites in front may be built up to 1 floor above the existing slab level) and provides for a far better streetscape along Man Street, with the building on the eastern block extending between approximately 7.5 m and 11 m above street level (noting that the PDP rules result in a building at the western end of the site protruding between 4.5 m and 9 m above the street, which would appear something of an anomaly) and have limited street presence.

10.87. The approach taken to managing height on the remaining sites within the expanded Precinct 7 (i.e. those that front Shotover Street and are to the south of the carpark site) is to recommend adding a new rule and height map (redraft rule 12.5.10/4) which enables buildings to extend to 12 m above (rolling) ground level and require that they be no more than 17m above the level adjacent to the respective site on Shotover Street in Area E and no more than 14m above the level adjacent to the site on Shotover Street in Area F); and require buildings to comply with a 45° recession plane commencing at 10 m, which is similar to Precinct 4. It is also recommended that Precinct 7 be expanded in redrafted Figure 2. These height limits will:

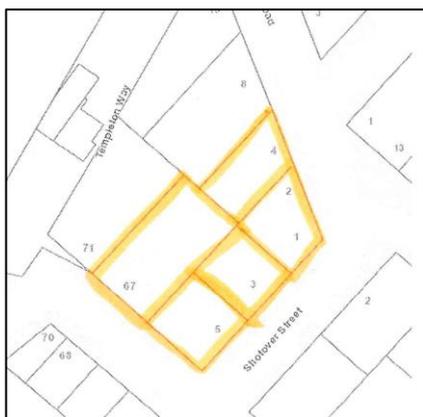
- a. Avoid unreasonable shading on Shotover Street.
- b. Result in a reasonably consistent streetscape/ building height along Shotover Street.
- c. Will enable the buildings to obtain good views yet avoid excessively high built form and massing and unattractive roof forms akin to the Forsyth Barr building (as is enabled in the notified PDP), which may be visually dominant and out of character when viewed from the Town Centre, the waterfront, and Queenstown gardens.
- d. Provide for the building constructed on top of the carpark building to have 3 floors with views to the south and that the Precinct 1 sites either side of that either retain views or at the very least are not lower than the buildings in front.
- e. Encourage varied built form resulting from the rolling height plane which is likely to be more visually acceptable when viewed from Queenstown Bay and other such public places.
- f. Ensure the view shafts shown on the Man St carpark site are carried through the whole block.

- g. Minimise shading on the open space on the corner of Brecon and Shotover Streets.
- 10.88. The approach taken to managing height on the remaining sites either side of the Man Street carpark is to retain them within Precinct 1, thereby enabling buildings to be built to 12 m (or potentially to 14 m as a restricted discretionary activity). While higher than the heights allowed on the carpark site, these heights will not be significantly inconsistent with those heights or those enabled on the opposite side of Man Street (under ODP as amended by Plan Change 50) and given the slopes involved it is unlikely that development will maximise the height allowances. The rules will enable built form which steps down the slope with the height plane, which is consistent with the approach elsewhere on land surrounding the Queenstown Town Centre.
- 10.89. An assessment³¹ of the recommended changes to Rule 12.5.10, as outlined above, has been undertaken pursuant to Section 32AA of the RMA is included in **Appendix 4**.

11. ISSUE 3 - THE APPROPRIATENESS OF THE EXTENSIONS TO THE QUEENSTOWN TOWN CENTRE ZONE

- 11.1. In summary, in my opinion, no submitter has opposed the Town Centre boundaries and, as such, I am recommending no changes in relation to the Queenstown Town Centre boundary.
- 11.2. Various submitters support the notified changes to the extent of the Town Centre Zone, as outlined below.
- a. Submitter 630 (DowntownQT) supports the minor extensions to the Town Centre Zone Boundary.
 - b. Submitters 308 (Well Smart Investment Holding (NZQN) Limited) and 398 (Man Street Properties Limited) (opposed by FS1274 (John Thompson and MacFarlane Investments Limited) support their sites (i.e. 65-67 Shotover Street, 5-15 Hay Street, and Lot 1 DP399240) being re-zoned from TCTZ to Town Centre Zone (and any such other consequential relief as is necessary).
 - c. Submitter 394 (Stanley Street Investments Limited and Stanley Street Limited and Kelso Investments Limited) (opposed by FS1117 (Remarkables Park Limited)) supports the Queenstown Town Centre zoning of its property on the corners of Stanley Street, Shotover Street and Gorge Road and requests that it be confirmed as Queenstown Town Centre Zone. To clarify, this land is shown in the below map supplied by the submitter.

³¹ This assessment is relative to the proposed rule and specifically in relation to the "Man St block".



- 11.3. The request by Submitter 574 (Skyline Enterprises Limited) (opposed by FS1063.22 (Peter Fleming and Others) to have Section 1 SO 22971, which is that land containing the skyline gondola base building, re-zoned from proposed Town Centre Zone to a new Commercial Tourism & Recreation Sub-Zone is transferred to the mapping (rezoning) hearing stream. I do not take the submission, which opposes the Town Centre zone generally, to go so far as to be requesting that the Town Centre zoning be removed from the site but if this is the intention, then the submitter needs to clarify this at the hearing.
- 11.4. I note for completeness that with Plan Change 50 becoming operative, the Town Centre zoning on those lots surrounding the land shown as Precinct 1A on upper Brecon St has been confirmed. The decision to extend the Town Centre Zone to upper Brecon Street was wholly premised on an assumption that the Plan Change 50 zoning would be approved and now that this has occurred, my view that it is appropriate for the reasons outlined in the s 32 evaluation remains unchanged. I note that height and form of development on that sensitive site is considered further in section 13 of Mr Church's evidence.
- 11.5. I remain of the view that the notified extensions to the Town Centre Zone are appropriate for the reasons outlined in the S 32 report and therefore recommend that the supporting submissions be accepted. In saying this, I note that Plan Change 50 is now operative and the land to the south of Man Street is no longer required to serve as a buffer between residentially zoned land and the Town Centre Zone proper as it did in the ODP prior to Plan Change 50 being approved.

12. ISSUE 4 - THE APPROPRIATENESS OF THE PROPOSED PROVISIONS RELATING TO NOISE, THE TOWN CENTRE ENTERTAINMENT PRECINCT (TCEP), ACOUSTIC INSULATION/ VENTILATION, AND LICENSED PREMISES

- 12.1. For this section, I rely in part on the evidence of Dr Stephen Chiles (including his attachments) in relation to noise and the evidence of Ms Sian Swinney in relation to the regulation of licensed premises.

12.2. I also note that the Town Centre monitoring report makes the following comments on noise:

The mixture of uses in the town centres has resulted in some conflict between activities and is creating reverse sensitivity issues. Conflict has arisen between different activities within the mixed use environment of the town centre. In particular conflict between noise sensitive activities, such as residential and visitor accommodation, and noise generating activities anticipated in the town centre, such as restaurants and bars has occurred as both the number of people residing in the town centre and the number of bars and restaurants have increased.

Rapid growth in the number of bars in the town centre has raised questions about whether this should be regulated to a greater extent.

Potential policy gaps

...

Objectives and policies around environmental amenity within the town centres are relatively weak. Noise issues in the town centre have also raised issues about the changing environmental conditions in the town centres as activity levels have increased since the time the plan was developed. The lack of policies articulating the need of more sensitive activities to undertake steps to reduce their sensitivity to changing amenity levels occurring in the town centre environment is a policy gap that needs to be considered. This is also relevant in terms of the lack of policies relating to reverse sensitivity or identifying the protection of the finite areas suitable for town centre activities.

...

It is difficult to identify clear patterns from town centre consent data and a number of issues we are aware of from previous feedback on the town centres are not apparent in this form of analysis. For example, 6 applications to breach noise limits in the monitoring period does not reflect the concerns about noise provisions in Queenstown town centre.

As District Plan noise provisions are being dealt with separately, the following amendments do not relate to noise issues.

12.3. In summary, the only changes I am recommending relate to exempting noise from commercial motorised craft; clarifying that the more enabling limits relating to music, voices, and loud speakers do not apply to the TCTZ; and making consequential amendments to Chapter 36 (noise) in order to ensure consistency and therefore improved administrative efficiency. Six original and further submitters³² who lodged submissions on Chapter 36 (Noise) are considered to be potentially (although unlikely to be) affected by the amendments proposed to that chapter through this report. As such, all of them have been served notice of this hearing and provided the opportunity to be heard. These submitters are listed in a separate table in **Appendix 2**.

Zone purpose and policy framework

12.4. A number of submitters, including a number of existing bar and restaurant providers, have submitted generally in support of the relatively enabling policy framework under notified Objectives 12.2.1 and 12.2.3, albeit that those outside the proposed TCEP request that the

³² Submitters 433.110 (Queenstown Airport Corporation), FS1211.6 (New Zealand Defence Force), FS1097.396 (Queenstown Park Limited), FS1117.156 (Remarkables Park Limited), 714.15 (Kopuwai Investments Limited), and 1365.12 (New Zealand Defence Force).

TCEP be extended and/ or that the same controls apply zone-wide. To the contrary a number of submitters, including a number of existing accommodation providers within the Town Centre, are opposed to the objectives and policies that support a vibrant Town Centre through, amongst other things, the establishment of a TCEP and allowing increased noise levels. These submissions are discussed more fully below.

Objective 12.2.1 and related policies

12.5. Objective 12.2.1 reads as follows:

Objective - A Town Centre that remains relevant to residents and visitors alike and continues to be the District's principal mixed use centre of retail, commercial, administrative, entertainment, cultural, and tourism activity.

- 12.6. This is proposed to be achieved, in part, through policies that recognise the contribution that night time activity makes and enable residential and visitor accommodation activity within this context, and through rules. Those rules enable noise levels that are generally anticipated from within bars and restaurants, require new noise-sensitive uses within the zone to be insulated, and require consent for licensed premises after 11 pm (and after 6 pm in the TCTZ).
- 12.7. While submitter 544 (Good Group Limited) generally opposes the objectives and policies to the extent that they inform the rules that apply beyond the TCEP, no submitters specifically oppose notified Objective 12.2.1 as it relates to the issues of noise, night-time activity, etc. with submitters' concerns relating to that objective limited to whether the Town Centre should necessarily be the administrative centre.
- 12.8. There are submissions both in support³³ and in opposition³⁴ to notified Policies 12.2.1.3 and 12.2.1.4.
- 12.9. Submitter 151 (Imperium Group) requests that notified Policy 12.2.1.3 be amended by replacing the words without unduly restrictive with subject to appropriate and submitter 238 (NZIA)³⁵ requests that notified Policy 12.2.1.4 be amended to refer to increased noise and activity due to the mix of activities and late night nature of the town rather than lower amenity levels, citing that increased noise does not necessarily mean lower amenity to all people.
- 12.10. In response, while I consider that this objective and the related policies are generally appropriate for the reasons stated in the s 32 report and the rationale given in Dr Chiles'

33 Submitters 587 (Simple Simon Suck Fizzle Soup and Gourmet Pie Company Trading as The Atlas Beer Café), 589 (Goose Cherry Cod Catering Company Limited Trading as Ivy and Lolas), 804 (Southern Pub Company Limited - T/A Pub on Wharf), and 714 (Kopuwai Investments Limited), and 630 (Downtown Queenstown).

34 Submitters 151 (Imperium Group), FS1318 (Imperium Group), and 217 (Jay Berriman), and FS1043.15 (Grand Lakes Management Limited).

35 Opposed by FS1107 (Man Street Properties Ltd), FS1226 (Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited), FS1234 (Shotover Memorial Properties Limited & Horne Water Holdings Limited), FS1239 (Skyline Enterprises Limited & O'Connells Pavilion Limited), FS1241 (Skyline Enterprises Limited & Accommodation and Booking Agents), and FS1248 (Trojan Holdings Limited & Beach Street Holdings Limited), FS1249 (Tweed Development Limited), and FS1242 (Antony & Ruth Stokes).

evidence, I agree that the minor re-wording proposed by submitters is more appropriate, for the reasons given in the submissions. These changes to notified Policies 12.2.1.3 and 12.2.1.4 have been made in **Appendix 1**.

Objective 12.2.3 and associated policies

12.11. Objective 12.2.3 reads as follows:

An increasingly vibrant Town Centre that continues to prosper while maintaining a reasonable level of residential amenity within and beyond the Town Centre Zone.

12.12. This is proposed to be achieved, in part, through:

- a. Policies that require noise limits and insulation requirements to be met; avoiding high noise levels on the edge of the Town Centre; recognising the contribution that night time activity makes to vibrancy; and enabling visitor accommodation and residential activity in the context of a vibrant and busy Town Centre environment.
- b. Rules that set noise and insulation requirements and enable conditions to be imposed on licensed premises while enabling drinking in association within dining to occur until midnight without consent.

12.13. While there are no submissions in opposition to notified Objective 12.2.3, submitter 714 (Kopuwai Investments Limited) requests that a footnote reference be added to it clarifying what a "reasonable level" of amenity is and that this also needs to be considered in light of notified Policy 12.2.1.4.

12.14. In response, while I understand the concern about the potential ambiguity and consequent inefficiencies, I consider that the notified policies, coupled with the rules relating to insulation and noise limits, provide adequate parameters of what is considered to be a "reasonable level" of amenity, in that those residing in the Town Centre zone should expect a busy and active environment that continues well into the night but could still feasibly anticipate internal noise levels that are deemed acceptable by the World Health Organisation (WHO) due to appropriate insulation and ventilation (refer Dr Chiles evidence, page 6). As such I do not consider a footnote is necessary and recommend rejecting this submission.

12.15. There are submitters both in support³⁶ of and in opposition³⁷ to the policies associated with notified Objective 12.2.3, noting that some supporting submissions are on the basis that all businesses are treated equally and/ or that their sites are included within the TCEP.

36 804.4 (Southern Pub Company Limited - T/A Pub on Wharf), 238 (NZIA), 250 (1876 Bar & Restaurant), 380.37 (Villa delLago), 474.1 (Evan Jenkins) and 187.4 (Nicholas Kiddle), FS1191.9 (Adam & Kirsten Zaki), FS1318.5 (Imperium Group), FS1139.10 (Carl & Lorraine Holt).

37 FS1043 (Grand Lakes Management Limited), FS1318 (Imperium Group), 217 (Jay Berriman), 663.9 (IHG Queenstown Ltd and Carter Queenstown Ltd); some of whom specifically seek the deletion or one or more policies.

12.16. In terms of specific relief/ amendments sought:

- a. Submitters 672.11 (Watertight Investments Ltd) and 663.10 (IHG Queenstown Ltd and Carter Queenstown Ltd)³⁸ request that notified Policy 12.2.3.1 be deleted and its intent incorporated into Policy 12.2.3.3.
- b. Submitter 238 (NZIA)³⁹ requests that notified Policy 12.2.3.4 be amended to refer to noisy and active rather than to lower amenity levels.
- c. Submitter 151 (Imperium Group) requests the deletion of notified Policy 12.2.3.3(b) (which provides for noisier activity in the TCEP) and notified Policy 12.2.3.4(d) (regarding discouraging residential and visitor accommodation from the TCEP).
- d. Submitter 714 (Kopuwai Investments Limited) requests minor wording changes to notified Policies 12.2.3.3(b) and 12.2.3.3(c) which have no substantive effect and requests that notified Policies 12.2.3.1 and 12.2.3.4 be amended to read "... insulate(d) and self-protect(ed) for noise.

12.17. In response:

- a. I am of the view that notified Objective 12.2.3 will appropriately give effect to the RMA and that the related policy direction is generally appropriate for the reasons stated in the S 32 report.
- b. I agree that removing Policy 12.2.3.1 and incorporating its content within Policy 12.2.3.3 as proposed by submitters 672, 663, 238 and as outlined in paragraph 12.16(a) above, is generally an improvement. That said, I have recommended slightly different wording to that sought by submitters 238, 672 and 663 in order to ensure the intent of notified Policy 12.2.3.1 (i.e. that residential activity in zones other than the Town Centre are not required to insulate but, rather, effects on these zones are intended to be mitigated by the Town Centre noise controls) is not inadvertently altered.
- c. I agree that the re-wording of notified Policies 12.2.3.3(b) and 12.2.3.3(c) as sought by submitter 714 (Kopuwai Investments Limited) is an improvement.
- d. I do not agree with the specific requests to add the term self-protected into the policies or to delete notified Policies 12.2.3.3(b) or 12.2.3.4(d) as I am unclear what is meant by this and therefore consider it to be ineffective and inefficient.

38 FS1139.11 (Carl & Lorraine Holt) and FS1191.10 (Adam & Kirsten Zaki)), FS1318.6 (Imperium Group).

39 Opposed by FS1107 (Man Street Properties Ltd), FS1226 (Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited), FS1234 (Shotover Memorial Properties Limited & Horne Water Holdings Limited), FS1239 (Skyline Enterprises Limited & O'Connells Pavilion Limited), FS1241 (Skyline Enterprises Limited & Accommodation and Booking Agents), and FS1248 (Trojan Holdings Limited & Beach Street Holdings Limited), FS1249 (Tweed Development Limited), and FS124 (Antony & Ruth Stokes).

- e. I agree in part with the request of submitter 151 (Imperium Group) to remove part d) of notified Policy 12.2.3.4 (see above) and recommend that it be amended to better reflect the fact the rules do not directly discourage such uses but, rather, only anticipate such uses where sufficient insulation is provided (by making it non complying where this is not provided). These changes have been made in **Appendix 1**.

12.18. In instances where I have recommended to reject submissions I make the following comments in response to the specific reasons given by submitters.

12.19. In response to requests that all sites be treated the same (i.e. that there not be a separate TCEP), I rely on the evidence of Dr Chiles (paragraphs 3.3, 10.3-10.9) and, in particular the noise contours that he has produced (and are attached to his evidence in Appendix C). In my opinion, these illustrate that to apply the same limits to the whole TCTCZ would adversely affect residential amenity within the surrounding residential zones to an extent that would be unreasonable and would not meet the purpose of the RMA or Objective 12.2.3 of the PDP. The notified rules provide a continuum of noise levels from the most lenient in the centrally located TECP to the Town Centre transition subzone at the edge of the zone, which does not provide higher limits for music or voices and continues to require noise to meet the residential noise limits at the zone boundary. In my opinion, this is the most appropriate regulatory approach in the context of the Queenstown Town Centre.

12.20. In response to submitter 474 (Evan Jenkins) that vibrant does not mean loud; that the town centre is for all age groups, and that unless well monitored the less restrictive noise policy may be abused, I note that the notified policies and rules provide for the noisiest activity within the TCEP and enables only minor noise increases beyond that in a manner that will effectively direct certain activities to the most suitable parts of the Town Centre. This, together with the greater control over licensed premises in the TCTZ, will create enclaves that will appeal to the different sectors of the resident and visitor community and will, consequently, address some of his concerns.

12.21. In regard to concerns relating to monitoring/ enforcement, relying on the evidence of Dr Chiles and Ms Swinney I am confident that the noise levels are measurable and able to be monitored. I also consider that retaining control/ discretion over noise generated by all licenced premises, even for those that anticipate noise levels will be met, provides another mechanism to ensure that this will, indeed, be the case.

Objective 12.2.5 and associated policies

12.22. No submitter opposes notified Objective 12.2.5 in relation to the issue of noise or licensed premises but Submitter 714 (Kopuwai Investments Limited) (opposed by FS1318.32 (Imperium Group)) requests the addition of the following new policies relating to noise and the entertainment function of the waterfront area:

12.2.5.6 - Encourage the day time and night time use of outdoor areas for use by bars and restaurants in and around the Steamer Wharf Complex with appropriate seating, tables and/or planting to enhance the vibrancy and visual amenity.

12.2.5.7 - Ensure that residential development and visitor accommodation provide acoustic insulation over and above the minimum requirements of the Building Code to avoid reverse sensitivity.

12.23. I do not recommend adding these as I consider the intent of suggested Policy 12.2.5.6 is adequately covered by the more general notified Policy 12.2.5.1 and could potentially conflict with notified Policy 12.2.5.4 (which relates to retaining public open space in the waterfront subzone) and notified Policies 12.2.3.1 - 12.2.3.3 (which establish a clear hierarchy of anticipated noise levels within the Town Centre). Similarly, I consider that suggested Policy 12.2.5.7 is unnecessary as its intent is adequately covered by notified Policy 12.2.3.1 (as recommended to be integrated into Policy 12.2.3.3 in **Appendix 1**).

Rules regarding licenced premises (notified Rules 12.4.4 and 12.4.5)

12.24. Submitter 544 (Good Group Limited) requests that the status of notified Rule 12.4.4.1 be changed from restricted discretionary to controlled and that there be no time restriction on the serving of alcohol to diners.

12.25. In response to this and relying in part on the evidence of Ms Swinney (paragraph 5.6), I am of the opinion that the activity status should be changed to controlled. In summary, the reasons for the amendment are that:

- a. The controlled activity status is more efficient and equally effective in that it is most unlikely there would be a situation where an application would need to be declined if it is in accordance with the Sale and Supply of Alcohol Act 2012 (**SSAA**) and other relevant District Plan rules such as noise limits and on the basis that well drafted effective conditions are imposed on those matters that are not able to be considered through the SCAA licence process.
- b. The SSAA enables a wider range of amenity and good order/ nuisance-related effects to be considered and managed than previous legislation did and has now been in force for some time and is proving to be effective.
- c. That the matters of control relating to layout, screening, noise, and hours of operation are all able to have relatively effective conditions placed on them. Control over scale is more problematic but I would question the degree to which the scale of an individual premise influences the extent of off-site effects. This amendment has been made in **Appendix 1** (see Rule 12.4.4.1) and the reasons are more fully outlined in the s 32AA report attached as **Appendix 4**.

12.26. Submitters 587 (Simple Simon Suck Fizzle Soup and Gourmet Pie Company Trading as The Atlas Beer Café), 589 (Goose Cherry Cod Catering Company Limited Trading as Ivy and

Lola's (both opposed by FS1318.20 (Imperium Group)) and 714 (Kopuwai Investments Limited) request a new rule enabling licenced premises to operate until 1.00 am as a permitted activity (and restricted discretionary activity thereafter) within a New Steamer Wharf Entertainment Precinct, and that the matters of discretion be amended.

- 12.27. Ms Swinney's evidence (paragraph 5.20) outlines her understanding that 12 month trial resource consent (RM140850) has until recently enabled bars and restaurants in the Steamer Wharf to operate inside and outdoors until 12 am and that a new consent has been applied for to enable this to continue. She notes that such premises have had to comply with resource consent conditions and concludes that continuing to require operators to obtain a consent to operate after 11 pm is appropriate zone-wide including within the Steamer Wharf complex, as it enables more control over the details of the operation and more effective and efficient monitoring and enforcement of issues (noise in particular) than relying solely on the SSAA. Furthermore, as I am of the view that it is inappropriate to identify Steamer Wharf as an entertainment precinct on the basis of noise effects on nearby residentially zoned land,⁴⁰ I consider it would be inconsistent to apply a more enabling rule in relation to licensed premises than applies to the rest of the Town Centre Zone. As such, I recommend that these submissions be rejected.
- 12.28. Submitter 599 (Peter Fleming) opposes notified Rule 12.4.4 and specifically opposes the extended use of public areas for the consumption of liquor and hours of operation. It is unclear what part of the rule the submitter believes extends the use of public areas for the consumption of liquor and hours of operation and it would be useful if this could be clarified in evidence or at the hearing. My understanding is that neither the OPD nor the PDP regulate liquor consumption in public areas and that both require a licensed premise to obtain a resource consent if it wishes to operate after 11 pm.
- 12.29. Submitter 714 (Kopuwai Investments Limited) requests that notified Rule 12.4.4.1 be amended and Rules 12.4.4.2 and 12.4.5 be deleted, which would have the effect of:
- a. Relaxing the licensed premises rule in respect of the Town Centre Transition Subzone such that licensed premises would be permitted up until 11 pm and restricted discretionary activity thereafter, as opposed to requiring a restricted discretionary activity consent for such activity to occur between 6 pm and 11 pm and a full discretionary consent thereafter.
 - b. Removing Council's discretion over car parking and traffic generation; the configuration of activities within the building and site (e.g. outdoor seating, entrances); and any alcohol policy or bylaw.

40 Refer to Dr Chiles' evidence, including the noise contours attached to Dr Chiles' evidence as Appendix C.

- 12.30. In considering the above, as outlined previously I have recommended that the activity status of notified Rule 12.4.4 is changed from restricted discretionary activity to controlled.
- 12.31. In response to the above submission and relying in part on the evidence of Ms Swinney, I am of the opinion that it remains appropriate to apply more stringent time constraints to licensed premises within the TCTZ and to apply a stricter activity status to any such premises that wish to operate after 11.00 pm. This is due to the fact that these areas are located directly across the road from residentially zoned land and as such, it is important that greater control is retained in order to ensure that the layout and noise management of any such premises is able to be conditioned or declined if necessary. In saying this, in line with having changed the activity status of notified Rule 12.4.4 to controlled, I recommend changing the status of Rule 12.4.5 to restricted discretionary activity and apply the same matters as are listed for Rule 12.4.4. These changes are shown in **Appendix 1**.
- 12.32. In response to the request to amend the matters of discretion/ control in notified Rule 12.4.4 (Submitter 599), I am of the opinion that car parking and traffic generation should be removed as a matter of control as onsite parking is not required or generally provided in the Town Centre. The configuration of "the premises..." should in my view remain a matter of control as the location and design of outdoor seating can exacerbate (or help alleviate) potential conflicts with neighbouring sites (especially in the TCTZ) and affect peoples' safety/ wellbeing (in terms of complying with CPTED principles). Consideration of any alcohol policy or bylaw should be removed as a matter of control as it is unreasonably uncertain.
- 12.33. These recommended changes to notified Rule 12.4.4 are reflected in **Appendix 1** and a s 32AA assessment is included in **Appendix 4**.
- 12.34. Submitter 217 (Jay Berriman) requests that the Council restrict the number of liquor licenses in the Queenstown Town Centre in order to discourage increases in noise and antisocial behaviour and to achieve a more balanced approach to the night entertainment which promotes the town's image as a high end product.
- 12.35. In response to this submission, while I understand the submitter's concerns, based in part on Ms Swinney's evidence which outlines the issues that have arisen when others have tried to impose a cap under the LAP process, my opinion on limiting the number of premises is:
- a. I have no evidence that there is a clear relationship between the number of licenses and the environmental and economic effects that have been cited (relating to noise and economic and social wellbeing).
 - b. The capping of premises would need to be extremely well justified in order to be defensible under the RMA and, on the face of it, does not sit well with the enabling and effects-based nature of the legislation.

c. Such effects are more a function of how well designed, located, and managed the licensed premises are, rather than the sheer number of premises.

12.36. Submitter 621 (Real Journeys Limited) requests that notified Rule 12.4.4 be amended to also apply to premises hosting off-licenses. In response I note that the ODP also only regulates the effects from on-licenses/ those premises licenced for the consumption of alcohol on the premises. Ms Swinney's evidence (paragraph 6.43) confirms that, in her opinion, off licenses are unlikely to result in environmental effects that cannot be adequately managed or avoided through the SSAA. Regardless, she notes that pursuant to the SSAA off licenses are only able to remain open until 11.00 pm (and most close by 10.00 pm due to cost implications of staying open later) and therefore the rule would only have any effect between the hours of 6.00 pm – 11.00 pm within the TCTZ. In summary, she does not consider it necessary to require a resource consent under the District Plan for off licenses.

12.37. A related issue is that Submitters 654 (Warren Cooper & Associates), FS1043 (Grand Lakes Management Limited), FS1063 (Peter Fleming and Others), and FS1318 (Imperium Group) request that the status quo be retained in regards to outside dining hours. Submitter 774 (Queenstown Chamber of Commerce) specifically requests that the rules provide for extended outdoor trading to allow patrons to enjoy the evenings until 11.00 pm. It seems that the perceived restriction on dining, while not specifically regulated in the PDP (or the ODP), has arisen as a consequence of the restrictive noise rules which effectively prevent activity outdoors after 10.00 pm and which have resulted in conditions on consents restricting such use under the ODP.

12.38. In response I note that notified Rule 12.4.4.1 permits the serving of alcohol to any person (inside or outside) until 11.00 pm and to diners (inside or outside) until 12.00 am (midnight) and that the more lenient noise rules (notified Rule 12.5.11) are likely to enable normal outdoor dining/ drinking activity to extend beyond 10.00 pm. I consider this to be wholly appropriate given the objectives of the PDP and, for that reason no change has been made to **Appendix 1.**

Rules regarding noise and the TCEP (12.5.11)

12.39. Various submitters⁴¹ request that the noise limits be lowered throughout the zone, variously requesting:

a. The reinstatement of the ODP rules or the deletion of the exclusion of sound from the sources specified in notified Rules 12.5.11.3 and 12.5.11.4 from rules 12.5.11.1 and 12.5.11.2.

41 Submitters 151 (Imperium Group, 503 (DJ and EJ Cassells, the Bulling Family, the Bennett Family, M Lynch), 506 (Friends of the Wakatipu Gardens and Reserves Incorporated), 654 (Warren Cooper & Associates), FS1063 (Peter Fleming and Others), FS1318 (Imperium Group), 302 and FS1043.18 (Grand Lakes Management Limited), 474 (Evan Jenkins), 217 (Jay Berriman).

- b. The replacement of 75 with 70 in notified Rule 12.5.11.1 (c).
 - c. The deletion of notified Rules 12.5.11.3, 12.5.11.4, and 12.5.11.5.
 - d. The deletion of outdoor public events from the notified Exemptions.
 - e. The banning of all outside loudspeakers.
- 12.40. Reasons for opposing the proposed noise rules include the contention that raising limits will increase adverse effects on residents and visitors staying in and around the Town Centre, users of the Gardens, and amenity values generally.
- 12.41. A number of submissions either support the rules or request more lenient noise limits primarily through extending the TCEP rules to a greater area of the Town Centre or, in discrete cases, through requesting particular exemptions to the rules. These are summarised below.
- 12.42. Submitter 621 (Real Journeys Limited) requests that the standards be amended to exclude noise from vessels carrying out navigational procedures, thereby making such noise permitted.
- 12.43. Submitter 714 (Kopuwai Investments Limited) requests that increased noise levels within the Steamer Wharf Entertainment Precinct be allowed and that a further exemption from the noise rules (i.e. at the end of notified Rule 12.5.11.5) be added which reads: "Noise from within the Steamer Wharf Entertainment Precinct that is measured at sites within the precinct".
- 12.44. Various submitters⁴² oppose the TCEP concept and its rules; requesting it be deleted and the whole Town Centre be subject to the same, lower noise standards. Submitter 151 (Imperium Group) specifically requests that all consequential amendments necessary be made to remove it from the chapter.
- 12.45. To the contrary, various submitters support the introduction of a TCEP⁴³ and some of those also request it be extended to include Steamer Wharf and/ or the wider waterfront area (and that this be given primacy over other TEP areas)⁴⁴; 1876, Speights Ale House, The Pig & Whistle and Brazz⁴⁵; or both sides of Searle Lane⁴⁶. In the event that the Steamer Wharf is included as a TCEP, submitter 714 (Kopuwai Investments Limited) requests consequential

42 Submitters 599 (Peter Fleming), 151 and FS1318 (Imperium Group), 654 (Warren Cooper & Associates), FS1043 (Grand Lakes Management Limited), and FS1063 (Peter Fleming and Others).

43 Submitter 804.2 (Southern Pub Company Limited - T/A Pub on Wharf) (opposed by FS1318.13 (Imperium Group)), plus those listed in footnotes 45-47 below.

44 Submitters 774 (Queenstown Chamber of Commerce), 70 (Westwood Group), 247 (Pog Mahones Irish Pub), 587 (Simple Simon Suck Fizzle Soup and Gourmet Pie Company T/A The Atlas Beer Café), 589 (Goose Cherry Cod Catering Company Limited T/A Ivy and Lolas), 835 (Wai Queenstown Limited), 839 (Little Blackwood and Minus 5° ICE BAR, owned by Future Bars Limited), 777 (Pier 19), 71 (Chris Duffy), and 714 (Kopuwai Investments Limited). This is opposed by FS1318 (Imperium Group).

45 Submitters 774.2 (Queenstown Chamber of Commerce), 596.4 (Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited). Opposed by FS1318.29 (Imperium Group).

46 Submitters 549 (Watertight Investments T/A Republic Hospitality Group (RHG) Operating Winnies, Ballarat Trading Company, Zephyr, Barup, Habana, Below Zero And Bufallo Club), FS1134.2 Robbie McGillivray, Opposed by FS1318.14 (Imperium Group).

amendments to the Zone Purpose to acknowledge there is more than one entertainment precinct. This is opposed by various further submitters. Reasons given for expanding the TCEP include that:

- a. There are no accommodation providers in the area around 1876 and the majority have good outdoor areas for patrons, which add to the vibrancy as you enter the CBD.
- b. Steamer Wharf is a proven hospitality destination with 11 established bars, a central management structure, an alcohol accord, and a resource consent enabling bars to operate outdoors until 12.00 am with positive results, and there are a limited number of sensitive receivers in the vicinity and a low possibility of any establishing within the complex. The submitters contend that applying a TCEP over it will result in the consolidation of such activities therefore minimising conflict with other uses, making enforcement and self-monitoring easier, and reducing nuisance resulting from people moving from bar to bar.
- c. The Queenstown Bay waterfront should be included as well as Steamer Wharf, noting that Pog Mahones is a long time business located within the vibrant waterfront area, which is essential to maintaining Queenstown's reputation as a premier destination.
- d. Both sides of Searle Lane are already a busy vibrant hospitality precinct and it is important that both sides of Searle Lane are included in the TCEP to ensure the ongoing development of this vibrant area and to be fair and easily understood. Searle Lanes central location works well to insulate noise from leaving the area.

12.46. Various submitters⁴⁷ request that the rules that apply to the TCEP (i.e. notified Rules 12.5.11.3(a) and 12.5.11.4(a)) should apply throughout the whole Queenstown Town Centre zone, except for within the Town Centre Transition Subzone. Submitter 544 (Good Group Limited) also requests any consequential relief to give effect to its submission.

12.47. Submitter 53.1 (Shipleys AV) states that the boundaries will need to be reviewed every six months.

12.48. In response and relying on Dr Chiles' evidence and his previous reports which are attached to his evidence, I am of the view that the location and extent of the proposed TCEP is the most appropriate response to the potential conflicts between bars and restaurants and residential and visitor accommodation uses in and around the Town Centre (particularly those in the surrounding residential zone).

12.49. The noise contours (refer Appendix C of Dr Chiles evidence) show the effect on the surrounding residential zoned land under the scenario whereby 65dBA is allowed throughout

⁴⁷ Submitters 544 (Good Group Limited), FS1134 (Robbie McGillivray), 630 (DowntownQT), 250 (1876 Bar & Restaurant). Opposed by FS1043 (Grand Lakes Management Limited) and FS1318 (Imperium Group).

the Town Centre, which provides a good indication of the effect on residents in those areas under the option of including Steamer Wharf and/ or the Brazz precinct of bars and/ or the whole of the Town Centre Zone. In line with Dr Chiles' conclusions, it is my opinion that the effects on residential amenity, as modelled and shown in those contours, are unacceptable.

- 12.50. Furthermore, I do not consider that requiring residentially zoned properties to insulate for noise is the most appropriate way of achieving the objectives of the PDP (as a whole). While the option of imposing a higher noise limit on these other areas but requiring the residential noise limit to be met at the boundary might on the face of it be preferable, it is considered less certain and inefficient in that it would be unlikely to be achievable in most instances and is therefore introducing contradictory rules, creating unrealistic expectations amongst landowners, and likely to result in the need for on-going monitoring and enforcement issues. Also, placing limits at the residential boundary would apply to each noise generator individually but does not necessarily provide effective control of the cumulative effect or consequential off-site effects of people on the streets.
- 12.51. With regard to expanding the TCEP to both sides of Searle Lane, while this may not result in a significant increase in the noise received within the residential zone, I concur with Dr Chiles that this would exacerbate noise effects on Nomads backpackers and cause sleep disturbance to a large number of people, noting that while it is a relatively recent build its insulation would not be of the level required in the PDP and, being a budget accommodation provider, it would be unlikely to voluntarily retrofit the building to comply.
- 12.52. With regard to the request to amend notified Rule 12.5.11.2 such that noise from music and voices should also be required to meet the residential zone noise limit at the boundary of those zones, I note that:
- a. While it may not be sufficiently clear, notified Rules 12.5.11.3 and 12.5.11.4 are intended to only apply to the Town Centre Zone and not to the TCTZ. Rather, noise from all sources within the subzone is regulated by notified Rules 12.5.11.1 and 12.5.11.2 which impose lower noise limits than elsewhere and require the noise to meet residential standards on the boundary. As such, given that noise within the TCTZ can only be of a residential nature at the boundary and that this TCTZ provides a continuous buffer between the Town Centre zone (proper) and the residential zone, based on Dr Chiles' evidence, I am of the view that noise from voices and music need not meet the residential limits at the boundary and, regardless, will very likely to be well dissipated by the time it reaches that boundary. I therefore recommend a minor amendment to notified Rules 12.5.11.3 and 12.5.11.4 clarifying that they apply to the Town Centre zone excluding the subzone.⁴⁸ I have relied on those submissions seeking that the operative/

48 Submitters 151 (Imperium Group, 503.4 (DJ and EJ Cassells, The Bulling Family, The Bennett Family, M Lynch), 506 (Friends of the Wakatipu Gardens and Reserves Incorporated), 654 (Warren Cooper & Associates), FS1063 (Peter

stricter noise rules be imposed for scope to make this change and, as such, have accepted those submissions in part but only to this extent. This change has been made in **Appendix 1**.

- b. While not fatal, notified Rules 12.5.11.3 and 12.5.11.4 potentially conflict with Rule 36.3.2.9 of the noise chapter (36)⁴⁹ in that Rules 12.5.11.3 and 12.5.11.4 do not require noise from music or voices to meet residential noise levels on the boundary of that zone yet reply Rule 36.3.2.9 states that:

The noise standards in this chapter still apply to noise generated within the Town Centre zones but received in other zones.

- 12.53. Therefore, I recommend amending the notified Purpose (36.1) and reply Rule 36.3.2.9 as follows (amendments shown as double underlined) to clarify this point and the issue relating to motorised craft which is discussed further in the next two paragraphs:

36.1- Purpose

...
With the exception of ventilation requirements for the Queenstown and Wanaka town centres contained in 36.7, and noise from water and motor-related noise from commercial motorised craft within the Queenstown Town Centre Waterfront Subzone, which is subject to Rule 36.5.14, noise # relation to received within town centres is not addressed in this chapter, but rather in the Queenstown, Wanaka and Arrowtown Town Centres Zone chapters. This is due to the town centre-specific complexities on noise in those zones, and its fundamental nature as an issue that inter-relates with all other issues in those zones. Noise generated in the town centres but received outside of the town centres is still managed under this chapter, except that noise from music, voices, and loud speakers in the Wanaka and Queenstown Town Centres (excluding the Queenstown Town Centre Transition Subzone), need not meet the noise limits set by chapter 36.

Rule 36.3.2.9 Noise standards for noise received in the Queenstown, Wanaka and Arrowtown Town Centre, Local Corner Shopping and Business Mixed Use zones are not included in this chapter. Please refer to Chapters 12, 13, 14, 15 and 16. The noise standards in this chapter still apply for noise generated within these zones but received in other zones, except that noise from music, voices, and loud speakers in the Wanaka and Queenstown Town Centres (excluding the Queenstown Town Centre Transition Subzone) need not meet the noise limits set by chapter 36.

- 12.54. Submitter 621 (Real Journeys) requests that vessels carrying out navigational procedures be exempt from notified Rule 12.5.11 of the PDP; thus making such noise permitted. I am unclear what 'navigational procedures' captures and the submitter is invited to clarify that. Regardless, this submission highlights an inconsistency between the rules relating to boats

Fleming and Others), FS1318 (Imperium Group), 302 and FS1043.18 (Grand Lakes Management Limited), 474 (Evan Jenkins), 217 (Jay Berriman).

49 Queenstown Lakes District Council Proposed District Plan 2015 QLDC 05 Chapter 36 - Noise – ROR, Appendix 1.

within the Town Centre waterfront subzone and chapter 12, which while not fatal (as outlined by Dr Chiles), should be resolved if possible.

12.55. The noise chapter (36) of the PDP includes a specific noise limit for commercial motorised craft on the lake and exempts them from other zone noise limits⁵⁰ whereas such craft operating in the waterfront subzone would be subject to the general Town Centre noise limits of chapter 12. Dr Chiles (paragraph 8.3 of his evidence) is of the view that the limits and methodology contained in Chapter 36 are preferable to relying on the chapter 12 rules. For the reasons outlined by Dr Chiles I recommend that notified Rule 12.5.11 be amended by adding a further exemption, which exempts water and motor-related noise from commercial motorised craft within the Queenstown Town Centre waterfront subzone from meeting the limits set out on Rules 12.5.11.1 and 12.5.11.2, which would have the effect of such noise being subject to Rule 36.5.14. As a consequence, the reply Purpose 36.1 and Rule 36.3.2.9 would need minor amendment to clarify this point as outlined in paragraph 12.53 above. Noise from voices and music on boats would still be subject to the relevant rules in chapter 12. These changes have been made in **Appendix 1** and a s 32AA evaluation is included in **Appendix 4**.

12.56. Submitter 630 (DTQueenstown) supports the increases in night time noise allowed within the Queenstown Town Centre and sees this as a necessary component of a resort town, but is still concerned as to whether the increases are sufficient to provide appropriately for night time entertainment. In response, I am of the view that the rules represent something of a compromise both on the part of bar and restaurant operators and on the part of residents and visitor accommodation operators. There are still going to be difficulties and insulation/mitigation measures required to be undertaken by bar owners to comply (particularly for those outside the TCEP) but, as shown by the noise contours modelled by Dr Chiles, enabling the TCEP noise limits across the whole Town Centre would have an unreasonable adverse effect on those residing in the adjacent residential zone.

12.57. Having said that, in practice, the rules allow activity and noise levels of a very similar nature to what in fact has actually be enabled to occur regularly through non complying resource consents over the years. So it is important to understand that while in theory the levels are being increased by 5 - 10 dBA beyond/ within the TCEP respectively) the on the ground change is far less than it would appear from simply comparing the rules.

12.58. Submitters 217 (Jay Berriman) and FS1318 (Imperium Group) oppose the increase of 5db in the night time (2200 to 0800) noise level to 75 db (12.5.11.1(c); considering that the noise

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<p>36.5.14 Commercial Motorised Craft - Sound from motorised craft must be measured and assessed in accordance with ISO 2922:2000 and ISO 14509-1:2008.</p>	<p>25 metres from the craft</p>	<p>0800h to 2000h 2000h to 0800h</p>	<p>77 dB LAsmax 67 dB LAsmax</p>	<p>NC</p>
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Source: Chapter 36, Council's right of reply version 22-9-16

limit at night should not exceed 60 db. Submitter 302 (Grand Lakes Management Limited) supports retaining the Town Centre Zone day time and night time noise levels. In response, relying on Dr Chiles' evidence, it is unrealistic to set the limit any lower and, as such, the limit has been increased to 75 dB L_{AFmax} for all zones in the PDP, in line with the guideline value from NZS 6802. Given this context, it is appropriate for the level to also be increased in Chapter 12, particularly given it is one of the noisier environments in the district.

- 12.59. Submitter 302 (Grand Lakes Management Limited) and FS1318.42 (Imperium Group) oppose the increase in night time noise from music from 50 to 55dB LAeq (notified Rule 12.5.11.3) as this will have a significant adverse effect on the hotels within the Town Centre and noise insulation requirements will not address the issues facing existing buildings and are inequitable.
- 12.60. In response and relying in part on Dr Chiles' evidence, I am of the view that the increase in noise level is appropriate in order to meet the objectives proposed for the Zone and note that the noise levels are still at the lower end of limits set for centres elsewhere in the country that have a focus on both entertainment and accommodation (such as Wellington). Mitigation and management by the operators/ consent holder is likely to still be required in order to comply with the limits.
- 12.61. The key point here is that the current 50dBA limit simply does not enable music to be played inside or outside at a level that would be reasonably anticipated in a bar and at a level that would contribute to the vibrancy of the Town Centre into the evening (i.e. past 10.00 pm). As outlined in his evidence, Dr Chiles has advised the Council on 10 noise-related resource consent applications in the Town Centre over the past two years. While he accepts that the PDP limits will result in some effect on residential amenity he is of the opinion that the ODP provisions are not the most appropriate way of achieving the objectives of the Town Centre; namely a vibrant and commercial viable entertainment hub (amongst other things). The PDP noise limits would enable many of these operations to proceed without having to obtain a specific consent for noise, although they will still require consent if they wish to serve liquor beyond 11.00 pm (or 6.00 pm in the Town Centre Transition Subzone) and, through that, conditions around compliance with noise limits can be imposed and monitored. In my view, this is more efficient than imposing a limit in the plan that evidence shows is extremely difficult to meet and, if it met, would not contribute to the vibrancy of the Town Centre.
- 12.62. In terms of the technical exercise of measuring noise, submitter 302 (Grand Lakes Management Limited) supports the 5 minute measuring of noise from music (notified Rule 12.5.11.3 (a) and (b)) while submitter 599 (Peter Fleming and Others) submits that notified Rule 12.5.11 of the PDP is completely unworkable. Based on the evidence of Dr Chiles I understand that the noise limits in the PDP are to be measured and assessed using the current New Zealand Standards, which he considers good practice.

12.63. In response to banning of loud speakers, provided they are not associated with a temporary event/ activity (in which case they are subject to separate rules), loud speakers are subject to notified Rule 12.5.11.5, which Dr Chiles has confirmed in his evidence is an easily measurable and appropriate level of noise (which should align with and support the levels set in notified Rule 12.5.11.3 relating to music). In my view, and relying in part on Dr Chiles' evidence, notified Rules 12.5.11.3 and 12.5.11.5 are an appropriate way of achieving the PDP objectives. I note that the bylaw controlling busking also offers support as outlined in section 6 of this report.

Rules regarding insulation and mechanical ventilation for sensitive uses in the Town Centre

12.64. Submitters 217 (Jay Berriman) and 774 (Queenstown Chamber of Commerce) support the new provisions for insulation and mechanical ventilation.

12.65. As a consequence of their overarching request that the TCEP is removed entirely, submitters 151 (Imperium Group) and FS1043 (Grand Lakes Management Limited) request the deletion of notified Rule 12.5.13, which requires insulation and ventilation in the TCEP.

12.66. In a similar vein, as a consequence of requesting that the TCEP include other areas, submitters 714 (Kopuwai Investments Limited) and 774 (Queenstown Chamber of Commerce) request the rule be amended to also apply to those areas.

12.67. In response, I am of the view that if the TCEP is retained then it is essential that all new critical listening areas established in that precinct are required to be insulated to this standard. In practice, while my understanding is that the costs associated with achieving the necessary insulation in this area are not significant in the context of a new commercial building, they may deter some owners from developing residential and visitor accommodation in this relatively small area and, instead, developing upper stories for office, light manufacturing, secondary retail, or some other use. In my view, this is not an adverse outcome. Rather, it is simply internalising the environmental and economic costs of establishing residential development in the TCEP and, as such, will very likely result in efficient landuse in the long term. For those where cost does not present a financial barrier, the provisions enable the development in a manner that should not result in adverse effects on health and wellbeing. Removal of this requirement would not enable notified Objective 12.2.3 to be achieved as it would not result in a reasonable level of residential amenity for those residing in the TCEP.

13. ISSUE 5 - THE APPROPRIATENESS OF THE PROVISIONS AND THE DESIGN GUIDELINES TO ACHIEVE QUALITY URBAN DESIGN AND BUILT FORM

13.1. In summary, I have recommended the following key changes:

- a. Including an explanation of sense of place (Objective 12.2.2).

- b. Adding the desirability for new laneways and small streets to be open to the sky and Horne creek to be promoted into Policy 12.2.2.5.
- c. Strengthening Policy 12.2.2.1 around considering the heritage context of a development.
- d. Referring to "antisocial" rather than criminal behaviour in Policy 12.2.4.3.
- e. Removing Rule 12.5.14.4 regarding glare from building materials/ colours.
- f. Adding the opportunity to establish a landmark building on a key site as a consideration under Policy 12.5.9.2 (regarding extra height).
- g. Removing the need for storage to be within a building (Rule 12.5.4.1) and adding a further matter of discretion relating to crime prevention to Rule 12.5.4.
- h. Removing the requirement to provide a veranda on Hay Street in Rule 12.5.5.1.
- i. Including "kerbside bus movements where applicable" as a consideration of building design within Rule 12.4.6.1.
- j. Correcting the pedestrian link map included in notified Rule 12.5.8, adding other existing pedestrian links to the map, improving the quality/ clarity, and moving it to the end of the chapter in order to enable it to be enlarged and correcting and adding a number of the legal descriptions listed in Rule 12.5.8.
- k. Amending Policy 12.2.2.5(b) to specify that where such links or laneways are being offered up as a trade-off for height, they shall be open to the sky and acknowledging that this may include the uncovering and restoration of Horne Creek.
- l. Amending Rule 12.5.8 to clarify that where existing lanes and links are open to the sky then they shall remain as such and if provided as part of a redevelopment of the site, shall be a minimum of 4m wide where the existing link is covered then, when the site is redeveloped, it can remain as covered connections and shall be at least 1.8 m wide.
- m. Exempting pop up buildings that are in place for no longer than 6 months and artworks (permanent and temporary) from Rule 12.4.6, thereby exempting them from having to obtain requiring resource consent in respect of design.

Policy framework in relation to quality urban design

- 13.2. Submitters 574 (Skyline Enterprises Limited) and 398 (Man Street Properties Limited)⁵¹ oppose the PDP objectives, policies, and Queenstown Town Centre Design Guidelines 2015 that inform and support notified Rules 12.4.6.1 and 12.4.6.2 (buildings).

⁵¹ Submission 574 is opposed by FS1063.22 (Peter Fleming and Others) and submission 398 is opposed by FS1274.8 and FS1274.10 (John Thompson and MacFarlane Investments Limited).

- 13.3. Submitter 238 (NZIA)⁵² requests that notified Policy 12.2.1.1 be amended to refer to intensification being enabled provided it is in accordance with best practice urban design principles rather than on the basis of effects on public amenity and character being avoided or satisfactorily mitigated as this is considered too unclear.
- 13.4. In response, I recommend retaining the wording avoided or satisfactorily mitigated but agree that requiring intensification to be undertaken in accordance with best practice urban design principles is useful and will help to overcome interpretative difficulties with the words satisfactorily mitigated. Policy 12.2.1.1 has therefore been recommended to be amended to include these words in **Appendix 1**. To clarify, the relationship between this policy and Policies 12.2.2.3 and 12.2.2.4 is that Policy 12.2.1.1 refers to why the PDP no longer imposes coverage rules or recession planes in most instances and is not intended to provide policy guidance in regard to whether a proposed breach of notified Rules 12.5.1, 12.5.9, and 12.5.10 (relating to coverage and height) is appropriate, but rather, those rules are subject to the tougher policies under 12.2.2. If this is unclear, it may need to be clarified.
- 13.5. Submitters 380 (Villa delLago) and 470 (Queenstown Play Centre) support notified Objective 12.2.2 relating to quality urban design outcomes, although submitter 470 (Queenstown Play Centre) requests that guidelines are introduced and plans reviewed by an appropriate panel to ensure that adequate residential (or community) amenity is safeguarded for neighbours of new medium and high density residential development.
- 13.6. Submitter 238.69 (NZIA) supports the acknowledgement of sense of place/ identity in notified Objective 12.2.2 but requests more information on what this actually means and questions whether the Queenstown Town Centre Strategy needs updating. This is opposed by a number of further submissions.⁵³
- 13.7. In response to these submissions:
- a. As the Town Centre Strategy is not referred to within the PDP, considering whether it needs updating is beyond the scope of the District Plan review.
 - b. I see some merit in explaining the term sense of place for the purpose of this objective and notified Policy 12.2.2.2. Such an explanation has been added to **Appendix 1** as a recommended advice note to Objective 12.2.2.

52 Opposed by FS1107.72 (Man Street Properties Ltd), FS1226.72 (Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited), FS1234.72 (Shotover Memorial Properties Limited & Horne Water Holdings Limited), FS1239.72 (Skyline Enterprises Limited & O'Connells Pavilion Limited), FS1241.72 (Skyline Enterprises Limited & Accommodation and Booking Agents), FS1248.72 (Trojan Holdings Limited & Beach Street Holdings Limited), FS1249.72 (Tweed Development Limited).

53 FS1107 (Man Street Properties Ltd), FS1226 (Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited), FS1234 (Shotover Memorial Properties Limited & Horne Water Holdings Limited), FS1239 (Skyline Enterprises Limited & O'Connells Pavilion Limited), FS1241 (Skyline Enterprises Limited & Accommodation and Booking Agents), and FS1248 (Trojan Holdings Limited & Beach Street Holdings Limited).

- c. It would be useful if submitter 470 (Queenstown Play Centre) could further explain what they are proposing in terms of the guidelines they are seeking. Regardless, the provisions of the notified QTTC Transition subzone, which adjoins residential zones, set a 'higher bar' than the ODP in terms of the design and layout of development (Rules 12.4.6 and 12.5.1) and, as re-drafted, retains similar noise limits to those of the ODP (Rule 12.5.11). That said, as outlined in paragraph 13.37 of this report, I do support the preparation of guidelines to assist in achieving quality development in these areas and that these include a section on compatibility with adjacent residential areas.
- 13.8. Submitters 59 (Lynda Baker), 217 (Jay Berriman), and 82 (Toni Okkerse) support notified Policy 12.2.2.2 but Lynda Baker and Toni Okkerse request that the 3rd bullet point be amended to read: *Require development to:... - Positively respond to the Town Centres historic character* as the term Town Centres character is ambiguous and does not refer to the heritage of the Town Centre. While the Town Centre as a whole shares some key character elements, only parts of it exhibit a strong historic character (namely the majority of the SCA and the Queenstown courthouse heritage precinct, which sits outside of that). As such, while in my view it is not appropriate to change the policy in the manner suggested, I accept that in the absence of character statements in the PDP in relation to the area outside the SCA and heritage precincts, the application of this part of the policy to those other areas is potentially ambiguous and of limited effect.
- 13.9. That said, the SCA is well served by notified Policy 12.2.2.1 in terms of ensuring that development responds positively to the well-defined character of that area and, in response to this submission, I recommend amending Policy 12.2.2.1 to also require that development within or adjacent to the SCA or a heritage precinct positively respond to its historic context. This amendment has been made to **Appendix 1**.
- 13.10. Submitters 663 (IHG Queenstown Ltd and Carter Queenstown Ltd)⁵⁴ and 672 (Watertight Investments Ltd) request that notified Policy 12.2.2.2 be amended to apply only to development that is visible from public places and to remove the additional explanation which states that the façade should incorporate elements which break down building mass into smaller units to achieve a human scale.
- 13.11. In response, whether a development is visible from a public place will become somewhat superfluous in that most if not all buildings are visible from elevated view points on Queenstown Hill and Ben Lomond. I also note that bullet points 1 and 2 will only be relevant to developments with frontage to a street or public place, and that it could be useful to apply bullet point 3 to buildings without such a frontage in that a building on a rear site may still contribute to character and sense of place through, for example, providing a public or semi-

54 Opposed by FS1139.4 (Carl & Lorraine Holt) and FS1191.3 (Adam & Kirsten Zaki).

public pedestrian connection, providing a roof top balcony space, or being of a height that is compatible with the existing and anticipated character.

13.12. As such I do not support limiting the application of the policy only to sites visible from public places and favour retaining the explanatory text in bullet point 1 in relation to human scale, on the basis that no design guidelines or assessment matters exist for sites outside of the SCA and therefore such additional guidance is useful.

13.13. Submitter 663 (IHG Queenstown Ltd and Carter Queenstown Ltd)⁵⁵ requests that notified Policy 12.2.2.9 be deleted and submitter 672.10 (Watertight Investments Ltd) requests that it be amended as follows:

"Require Manage high quality the design of comprehensive developments within the Town Centre Transition subzone and on large sites elsewhere in the Town Centre".

13.14. In response, I do not favour deleting or weakening this policy in the manner requested. In my opinion, the notified policy is appropriate a) given Rules 12.4.6.2 and 12.5.1 require structure planning of larger sites (as a restricted discretionary activity) and where coverage is breached enable the council to consider matters such as the overall layout, pedestrian links and open space provision and b) because large development sites and/ or those on the edge of the town (which are often also large) offer the opportunity to make a significant positive contribution to the overall quality of the town and if developed poorly, could significantly undermine the ability to achieve Objective 12.2.2. As such, a policy that simply requires the design of comprehensive developments to be managed is not sufficient in my view.

13.15. With regard to notified Policy 12.2.3.6, Submitter 474 (Evan Jenkins) raises concerns that fairy lights in trees are counterproductive and against the spirit of the Southern Light Strategy. While I accept that the Strategy states that fairy lighting can provide a high glare source, which conflicts with other lighting objectives and in terms of public places should only be operated in relation to festivals and special events only,⁵⁶ I do not consider it necessary for Policy 12.2.3.6 to include any further detail in that respect.

13.16. In relation to notified Objective 12.2.2, submitter 238 (NZIA)⁵⁷ requests that a further policy be added in recognition that Council has a role in managing and investing in the street environment and encouraging vitality through both soft and hard landscaping. I do not support the inclusion of such a policy within the QTTC Zone as, while such council initiatives are integral to achieving the objective, the commitment to undertake such works is more appropriately determined via the Council's Long Term Plan process.

55 Opposed by FS1139 (Carl & Lorraine Holt) and FS1191 (Adam & Kirsten Zaki).

56 Southern Light Strategy, Pg. 19.

57 FS1107 (Man Street Properties Ltd), FS1226 (Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited), FS1234 (Shotover Memorial Properties Limited & Horne Water Holdings Limited), FS1239 (Skyline Enterprises Limited & O'Connells Pavilion Limited), FS1241 (Skyline Enterprises Limited & Accommodation and Booking Agents), FS1248 (Trojan Holdings Limited & Beach Street Holdings Limited), and FS1249 (Tweed Development Limited).

13.17. Various submitters⁵⁸ support notified Objective 12.2.4 regarding a compact and accessible Town Centre. Submitter 807 (Remarkables Park Limited) supports notified Policy 12.2.4.2, and submitter 798 (Otago Regional Council) (**ORC**) requests the aspiration of accessibility be added to it. Submitter 238 (NZIA)⁵⁹ supports it but requests that the following bullet points be added:

e) Laneways and small streets open to the sky are a key feature of Queenstown character and should be promoted and encouraged wherever possible.

f) Horne creek is a key feature of Queenstown character and should be promoted as both a visual and pedestrian feature wherever possible.

13.18. The ORC's submission then goes on to suggest that this may be achieved by limiting the number of car parks in or on the periphery of the town centre to support a shift to shared and active transport modes. However, as outlined below in section 16, any such change to the rules to align with this policy are more appropriately considered as part of Stage 2 of the PDP and, as such that part of the submission is recommended to be rejected.

13.19. In response to submissions I recommend adding the term "accessible" into notified Policy 12.2.4.2 and, in recognition that pedestrian experiences are greatly enhanced by small laneways and the importance of opening up Horne Creek over time as and when opportunities arise, I recommend amendments similar to the wording proposed by the submitter. These changes have been made in **Appendix 1**.

13.20. Submitter 663 (IHG Queenstown Ltd and Carter Queenstown Ltd)⁶⁰ and 672 (Watertight Investments Ltd) request that notified Policy 12.2.4.3 be amended to refer to "antisocial" rather than "criminal behaviour" and that CPTED principles not be applied to the design of lot configuration, the street network, carparking areas, accessways/ pedestrian links/ lanes, or landscaping.

13.21. In response, I agree with amending the wording to antisocial behaviour in Policy 12.2.4.3. I also agree that, due to the fact that lot configuration and the design of any extension to the street network will be considered through the Rule 27.5.6 of the redraft subdivision chapter⁶¹ and/ or designation procedures, these need not be specifically mentioned in this policy. However, I consider the CPTED principles are relevant to the other matters listed in the notified version and also that, with the removal of the reference to the design of the street network, the design of the streetscape should be added in its place to clarify that CPTED principles are highly important to any such streetscape redesign that might be undertaken in

58 217 (Jay Berriman), 380 (Villa dellLago), 798 (Otago Regional Council), 807 (Remarkables Park Limited).

59 Opposed by FS1107 (Man Street Properties Ltd), FS1226 (Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited), FS1234 (Shotover Memorial Properties Limited & Horne Water Holdings Limited), FS1239 (Skyline Enterprises Limited & O'Connells Pavilion Limited), FS1241 (Skyline Enterprises Limited & Accommodation and Booking Agents), and FS1248 (Trojan Holdings Limited & Beach Street Holdings Limited), and FS1249 (Tweed Development Limited).

60 Opposed by FS1139.12 (Carl & Lorraine Holt) and FS1191.11 (Adam & Kirsten Zaki).

61 <http://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/Hearings-Page/Hearing-Stream-4/Council-Right-of-Reply/QLDC-04-Subdivision-Chapter-27-Nigel-Bryce-Reply-28305692-v-1.pdf>.

conjunction with private developments. The recommended amendments have been made to **Appendix 1**.

13.22. The remainder of this section responds to submissions relating to various rules (and other methods) that are aimed at achieving the urban design-related objectives. The specific issues raised in submissions relate to:

- a. Controlled or restricted discretionary activity status for all buildings.
- b. Glare.
- c. The scope of the Design Guidelines.
- d. Screening of storage space.
- e. Pop-up temporary buildings, street entertainment, and artworks.
- f. Pedestrian links.

The most appropriate activity status for all buildings

13.23. Submitter 238 (NZIA)⁶² requests restricted discretionary activity status for buildings that have been to the Urban Design Panel (**UDP**) and full discretionary status for all others as there needs to be some incentive; and that all buildings in the town centre be subject to review by the UDP.

13.24. In response, while such a rule would be sufficiently certain (as the trigger point is a matter of fact), I do not recommend making this change as it is unlikely to be effective. As the rule would not require the approval of the UD Panel or that the applicant had even addressed or considered the UD Panel's concerns or recommendations the mere fact the proposal had been taken to the UD Panel would in no way suggest it required a less rigorous assessment at the resource consent stage. To overcome this, the rule would need to require that the activity status were dependent on a pass/fail from the UD Panel and such an approach passes the onus of deciding the appropriate activity status, to a third party. I also note that I do not consider that any developments that comply with the other rules in the PDP would need to be considered as a full discretionary activity.

13.25. Eleven submitters⁶³ request that notified Rule 12.4.6.1 be amended such that all buildings are controlled, rather than restricted discretionary. Submitters 663 (IHG Queenstown Ltd and

62 Opposed by FS1107 (Man Street Properties Ltd), FS1226 (Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited), FS1234 (Shotover Memorial Properties Limited & Horne Water Holdings Limited), FS1239 (Skyline Enterprises Limited & O'Connells Pavilion Limited), FS1241 (Skyline Enterprises Limited & Accommodation and Booking Agents), and FS1248 (Trojan Holdings Limited & Beach Street Holdings Limited), and FS1249 (Tweed Development Limited).

63 Submitters 606 (Skyline Investments Limited & O'Connells Pavilion Limited), 609 (Skyline Properties Limited & Accommodation and Booking Agents Queenstown Limited), 614 (Shotover Memorial Properties Limited & Horne Water Holdings Limited), 617 (Tweed Development Limited), 596 (Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited), 398 (Man Street Properties Limited), 663 (IHG Queenstown Ltd and Carter Queenstown Ltd), 672 (Watertight

Carter Queenstown Ltd), 672 (Watertight Investments), and 724 (Queenstown Gold Ltd) further request that control be limited to consideration of external building design and appearance in relation to streetscape character, building design in relation to adjoining pedestrian links listed in notified Rule 12.5.8, signage platforms, and lighting. This is on the basis that it is more succinct yet captures all but the natural hazard issue and provides greater certainty and imposes less cost. There are further submitters both in support and in opposition.⁶⁴

13.26. I note that in the ODP, buildings in the SCA are a restricted discretionary activity and buildings beyond this area are a controlled activity.

13.27. Pages 23 - 26 of the s 32A report set out the reasoning behind the decision to attribute the restricted discretionary activity status to all buildings in the Queenstown Town Centre. In summary those reasons are that applying a restricted discretionary activity status to building(s) throughout the QTTCZ:

- a. Will provide greater certainty and be more effective at requiring consistency with the SCA Design Guidelines, which will enable the council to ensure that the key character elements of the SCA are recognised and reflected in designs.
- b. Will be more effective at achieving quality architecture and urban design and enable poor design to be declined.
- c. Will result in economic benefits to applicants and a reduction in transaction costs (and therefore the overall development costs). This conclusion is based on the fact that even if a non-notified restricted discretionary activity consent is more costly to obtain than a controlled consent, this is counteracted by removing or relaxing the bulk and location controls of the ODP, which have routinely triggered potentially notifiable restricted discretionary activity and non-complying consents in all cases that I am aware of.
- d. Is more efficient from a District Plan drafting and administration perspective in that it enables a single rule to be relied on to manage the design of building(s) rather than having different rules for the SCA and the rest of the QTTCZ.

13.28. For the record, I note that the s 32 report incorrectly states that "almost all applications in recent years have been non-complying" (page 25) when it should more accurately say that 70% of applications have been restricted discretionary and non-complying activities (and many of the remaining 30% of applications very likely to relate to matters other than building).

Investments Ltd), 724 (Queenstown Gold Ltd), 574 (Skyline Enterprises Limited), and 616 (Trojan Holdings Limited & Beach Street Holdings Limited).

64 FS1274 (John Thompson and MacFarlane Investments Limited), FS1063 (Peter Fleming and Others), FS1139 (Carl & Lorraine Holt), and FS1191 (Adam & Kirsten Zaki) oppose the relief sought and FS1200.4 (Stanley Street Investments Limited and Stanley Street Limited and Kelso Investments Limited) supports the relief sought.

Regardless, the effect is the same in that in most applications, the Council has had considerable leverage to influence design and quality at resource consent stage due to breaches in standards and that very few buildings have actually been processed as controlled activities (i.e. for design control only).

13.29. Mr Church's evidence also supports this approach.

13.30. Given that the data recorded by Council seems to contain some errors I also assessed a sample of 15 resource consents for new buildings that have been approved in recent years. None were processed as controlled activities, routinely breaching height, (and in most cases also building coverage, standards (refer section 10 of this report). From my own experience as the Council's 'Manager: Strategy and Planning' and as a member of the UDP, I am personally aware of a number of examples where the outcome was improved greatly through a process that simply does not occur with controlled activity resource consents.

13.31. While requiring a restricted discretionary consent for all buildings and external alterations will create greater uncertainty and cost (as argued by MSP), in my view this is justified by the importance of the Town Centre and the risks to the environment and the economy from poor design. I also note that the non-notification clause for restricted discretionary buildings will reduce uncertainty, cost, and time delays considerably; the consent is likely to be less onerous than ODP rules which routinely trigger non complying consent; and I am not aware of any evidence that controlled status is sufficient due to the lack of such applications being processed under the ODP.

13.32. In conclusion, I remain of the view that a relaxation of the bulk and location rules and a strengthening of design control in the manner recommended is the most appropriate method to achieve the objectives. As such no change is recommended.

13.33. I note that submissions on notified Rule 12.4.6.2 relating to the requirement for a Structure Plan to be provided as part of any development over 1800m² are considered later in this section.

Glare

13.34. Submitter 398.18 (Man Street Properties Limited) partly opposes the objectives, policies and Queenstown Town Centre Design Guidelines 2015 that inform and support notified Rule 12.5.14 regarding glare. This is opposed by FS1274 (John Thompson and MacFarlane Investments Limited).

- 13.35. Seven submitters⁶⁵ request that notified Rule 12.5.14.4, which relates to reflectance and exterior materials, is deleted. These submissions are opposed by FS1274 (John Thompson and MacFarlane Investments Limited) and FS1063 (Peter Fleming and Others).
- 13.36. In response to submissions, I am of the opinion that notified Rule 12.5.14.4 (under the heading of glare) is not the most appropriate way of achieving the objectives. In support of this I note that the Town Centre is a relatively shady part of the District and, as such, glare is not a significant issue; there are no landscape values that need to be considered; the allowance of a range of colours and materials adds vibrancy and diversity to highly urbanised areas such as this; the Queenstown Town Centre SCA guidelines and notified Rule 12.4.6.1 provide the Council with control over colour where necessary; the guidelines for the SCA considers reflective colours such as cream to be appropriate from a character perspective which is in direct conflict with the rule; and there is no objective or policy which relates to this particular glare rule (notified 12.5.14.4). In regard to that part of the rule which relates to materials I also consider this to be unnecessary as it is adequately captured by notified Rule 12.4.6.1 and the guidelines,⁶⁶ which together, retain discretion over the matter yet offer considerable flexibility.
- 13.37. In response to opposition to the objectives and policies that support notified Rule 12.5.14, I am of the view that the objectives and policies are appropriate and do not, in fact, lend any significant support to notified Rule 12.5.14.4. As such, I am of the opinion that it is appropriate to remove Rule 12.5.14.4 but to retain the objectives, policies, and guidelines as notified (in respect of this matter). I also note that in cases where the colour proposed will result in an outcome that will not meet the objective of quality urban design, the Council retains the ability to impose conditions on the colour of the building (or in an extreme case, decline the application) through Rule 12.4.6.1. Notified Rule 12.5.14.4 has therefore been removed from **Appendix 1** and a S32AA evaluation is included in **Appendix 4**.
- 13.38. Submitter 238.65 (NZIA)⁶⁷ requests the following:

The Queenstown Town Centre Design Guidelines 2015 be expanded to include the following points or, failing that, include points 1-7 in the zone purpose, noting that the Design Guidelines are only about buildings, which alone does not define character:

- 1. Natural features (land form, water, significant vegetation)*
- 2. Major roads and pathways*

65 Submitters 616 (Trojan Holdings Limited & Beach Street Holdings Limited), 614 (Shotover Memorial Properties Limited & Horne Water Holdings Limited), 398 (Man Street Properties Limited), 606 (Skyline Investments Limited & O'Connells Pavilion Limited), 609 (Skyline Properties Limited & Accommodation and Booking Agents Queenstown Limited), 617 (Tweed Development Limited), and FS1200 (Stanley Street Investments Limited and Stanley Street Limited and Kelso Investments Limited).

66 Queenstown Town Centre Special Character Area Design guidelines, July 2015, pages 45 and 50 - 51

67 This is opposed by FS1107.70 (Man Street Properties Ltd), FS1226.70 (Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited), FS1234.70 (Shotover Memorial Properties Limited & Horne Water Holdings Limited), FS1239.70 (Skyline Enterprises Limited & O'Connells Pavilion Limited), FS1241.70 (Skyline Enterprises Limited & Accommodation and Booking Agents), FS1248.70 (Trojan Holdings Limited & Beach Street Holdings Limited), FS1249.70 (Tweed Development Limited).

3. *Grids (subdivision patterns, permeability, geometry, permeability, hierarchy, discontinuities).*
4. *Public open spaces (orientation, pedestrian routes).*
5. *Built form (landmarks, heritage features, building types, building scale, density coverage, distribution of fronts and backs, spatial definition-degree of enclosure, recurring relationships of buildings and public spaces)*
6. *Existing circulation patterns (pedestrian, vehicle, public transportation, distribution of activities, density and intensity)*
7. *Experiences (way finding, memorable sequences, views)*
8. *Council landscaping (including hard and soft) standards and guidelines.*

13.39. In response to this submission, while I agree that guidelines that relate to such matters and which extend beyond the SCA would be useful, particularly when assessing larger scale resource consents such as those that require a comprehensive development plan to be provided, I note that guidance on many of these matters is already provided by the following non-statutory documents and/ or PDP policies and matters of discretion:

- a. The Queenstown Town Centre Strategy (2009) provides guidance to applicants (as another matter to consider under Section 104(1)(c) of the RMA) and to the Council itself in relation to public works. In relation to the matters raised in the submission, the Strategy provides guidance in relation to existing circulation patterns (refer parts relating to access, shared space, lanes, and pedestrian links), the streetscape, character, and open space.
- b. The policies, rules, and matters of discretion proposed in the PDP provide guidance and the ability to influence the form of private development (through the restricted discretionary status) in relation to preserving and enhancing natural features such as Horne Creek; encouraging the maintenance and enhancement of permeable blocks and relatively fine grain subdivision patterns; preserving and enhancing pathways; consideration of relationships between buildings and public spaces; and the preservation of the most important viewshafts (which are a key element of Queenstown Town Centres sense of place).
- c. The preparation of a Town Centre Streetscape Manual/ Design Framework is currently under consideration by Council and I understand that it is intended to provide guidance on matters such as the design of public open spaces (orientation, pedestrian routes) and Council landscaping.
- d. While I cannot predetermine the content of the proposed Transportation Chapter, which will be developed as part of Stage 2 of the District Plan review, I would expect the process to further consider the integration of public transport and pedestrian and vehicle accessibility within the QTTC, I would not expect guidelines to be used to determine these matters or the distribution of activities, density and intensity.
- e. Chapter 26 of the PDP manages the effects of development of heritage features and development within heritage precincts within the Town Centre, in conjunction with

notified Objective 12.2.2 of the QTTC chapter and the Strategic Direction objective and policies. Furthermore most development that could potentially affect heritage values would be located within the SCA and, as such, is required to be consistent with the proposed guidelines, which provide ample guidance on appropriate development.

13.40. While I agree that these matters are all an important part of achieving a well-designed Town Centre, I do not consider it appropriate to expand the existing design guideline in the manner sought as part of this process as a) much of it is covered through other means as outlined above and b) to expand the guideline via submission would not provide the opportunity to undertake widespread consultation on the amendments which, while not beyond scope, I do not consider to be good practice or necessarily efficient prior to provisions themselves being confirmed, and c) while not fatal, without amending notified Policy 12.2.2.1 (which only requires development in the SCA to be consistent with the guidelines) there would be no policy support to the Council's discretion regarding such consistency. That said, I note that I concur with Mr Church (paragraph 15.10 of his evidence) that, in due course, it would be useful for the Council to develop non-statutory design guidelines to assist in the preparation and assessment of both Comprehensive Development Plans and smaller site-by-site designs beyond the SCA after the provisions are determined.

13.41. However, the submission usefully highlights the positive contribution that landmark buildings on key sites can make to the quality of the environment and that this is not recognised anywhere within or outside of the District Plan. Therefore, based on Mr Church's evidence and relying on this submission and submissions 663 (IHG Queenstown Ltd and Carter Queenstown Ltd) and 672.6 (Watertight Investments Ltd),⁶⁸ I recommend amending notified Rule 12.5.9.2 to include (as bullet point 5) "the opportunity to establish a landmark building on a key site" as something to be considered when considering the appropriateness of extra height. This change has been made in **Appendix 1**.

13.42. While I considered acknowledging the importance of the matters raised by the submitter within the Zone Purpose (as suggested in its alternative relief requested), I concluded it was inappropriate and would be ineffective. This is discussed earlier at paragraphs 9.6 and 9.7 of this report.

Screening of storage space

13.43. Notified Rule 12.5.4.1 requires that all storage areas on sites with frontage to certain streets be located within the building.

13.44. Submitter 621 (Real Journeys Limited) requests that Rule 12.5.4.1 be amended to clarify that the temporary storage of equipment on a wharf which is being transported via a vessel/ is

⁶⁸ That Policy 12.2.2.5 be amended to enable buildings to exceed the non-complying height standards in situations where adverse effects arising from the additional building height are no more than minor or, failing that, in those instances specified in the notified policy (but deleting the explanation of what is considered to be beneficial urban design outcomes).

associated with transporting people and goods is permitted or exempt from the rule and that notified Rule 12.4.6.1 (regarding all buildings) be amended to include a permitted rule as follows: "Storage of rubbish shall be screened from view from all neighbouring properties and public places". I am unclear what is actually being sought by this second point.

- 13.45. Submitter 663 (IHG Queenstown Ltd and Carter Queenstown Ltd)⁶⁹ requests that notified Rule 12.5.4.1 be deleted and, rather, that notified Rule 12.5.4.2 should be applied to all sites in the zone; meaning that storage areas shall either be situated within the building or screened from view from all public places, adjoining sites and adjoining zones.
- 13.46. In response to Real Journeys submission, firstly Rule 12.5.4.1 would not apply to the storage of goods on the wharf as the wharf is not part of a site that has frontage to Beach Street (which it would need to be to trigger Rule 12.5.4.1).
- 13.47. However, subject to reinstating the Queenstown Town Centre waterfront subzone boundary on the planning maps, any effects arising from the operations outlined by Real Journeys in its submission would be controlled by the following rule (emphasis added), which I consider to be wholly appropriate:

	<p><i>Commercial Activities within the Queenstown Town Centre Waterfront Subzone (including those that are carried out on a wharf or jetty) except for those commercial activities on the surface of water that are provided for as discretionary activities pursuant to Rule 12.4.7.2 in respect of:</i></p> <ul style="list-style-type: none"> - Any adverse effects of additional traffic generation from the activity; - The location and design of access and loading areas in order to ensure safe and efficient movement of pedestrians, cyclists, and vehicles; and - The erection of temporary structures and the temporary or permanent outdoor storage of equipment in terms of: <ul style="list-style-type: none"> - any adverse effect on visual amenity and on pedestrian or vehicle movement; and - the extent to which a comprehensive approach has been taken to providing for such areas within the subzone. 	C
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- 13.48. Taking everything into consideration and irrespective of the decision that is made in regard to Rule 12.4.3 above, I consider that no amendment is required to notified Rule 12.5.4.
- 13.49. In response to submitter 663 (IHG), I note that notified Rules 12.5.4.1 and 12.5.4.2 have been carried over from the ODP (although the wording has been refined by referring to the whole SCA rather than listing the individual streets within it). While I have concerns about the adverse visual and crime-related effects that can occur from allowing outdoor storage areas to occur; particularly in those areas with high pedestrian numbers and in laneways, provided it is screened and well-secured, and that compliance is well monitored then I agree that it is somewhat irrelevant whether the storage is within a building or within a well-screened outdoor area. Relaxing notified Rule 12.5.4.2 to enable this alternative will also simplify the rule and better provide for the storage associated with some uses.

69 Opposed by FS1191.17 (Adam & Kirsten Zaki) and FS1139.18 (Carl & Lorraine Holt).

13.50. As such, I recommend removing notified Rule 12.5.4.1 and applying redraft Rule 12.5.4.2 to all parts of the Queenstown Town Centre Zone and adding a further matter of discretion relating to crime prevention to redraft Rule 12.5.4.2 as a consequential amendment of removing notified Rule 12.5.4.1. These amendments have been made in **Appendix 1** and a s 32AA undertaken in **Appendix 4**.

Rules relating to the provision and design of verandas

13.51. Submitter 663 (IHG Queenstown Ltd and Carter Queenstown Ltd)⁷⁰ requests that buildings along Hay Street need not provide a veranda. In response, while I see merit in requiring a veranda on Hay Street from the perspective that it will provide an increasingly important pedestrian link to the Lakeview Subzone and is identified as a pedestrian link in the Council's Town Centre Strategy 2009, I am also conscious that a) it is very steep and so it will be challenging to construct verandas which provide effective cover for pedestrians in inclement weather, b) there are no specific requirements to provide verandas in the Isle St or Lakeview Town Centre subzones that lie beyond this, and c), an all-weather pedestrian link already exists through the centre of the Man Street block. Taking all this into consideration, I recommend that the requirement to provide a veranda on Hay Street be deleted from notified Rule 12.5.5.1.

13.52. In relation to notified Policy 12.2.4.5 and Rules 12.4.6.1 (building design) and 12.5.5.2 (maximum height and depth of verandas) submitter 798 (Otago Regional Council) states that poorly-designed shop front veranda setbacks and heights can interfere with kerbside bus movement. While the ORC does not seek any specific relief, I recommend that the matters of discretion for buildings be amended to enable any effect on kerbside movements to be considered as part of considering the overall building design. While it is debatable whether the maximum 3 m height imposed on verandas is, in fact, positive from an urban design perspective, I do not consider that this requirement necessarily poses any issues in terms of kerbside movements as verandas need not necessarily extend to the kerb and so would not interfere with bus movements or loading. Regardless, to be conservative, this minor change has been made to **Appendix 1**.

Rules relating to pedestrian links

13.53. Submitter 238 (NZIA)⁷¹ requests that:

- a. Rule 12.5.8 be amended as follows to recognise the importance of pedestrian links that are open to the sky:

⁷⁰ Opposed by FS1191 (Adam & Kirsten Zaki) and FS1139 (Carl & Lorraine Holt).

⁷¹ Opposed by FS1107 (Man Street Properties Ltd), FS1226 (Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited), FS1234 (Shotover Memorial Properties Limited & Horne Water Holdings Limited), FS1239 (Skyline Enterprises Limited & O'Connells Pavilion Limited), FS1241 (Skyline Enterprises Limited & Accommodation and Booking Agents), and FS1248 (Trojan Holdings Limited & Beach Street Holdings Limited), and FS1249 (Tweed Development Limited). Supported by FS1368.3 and FS1368.4 (Man Street Properties Limited).

"Note: ~~Nothing in rules 12.5.8.1 and 12.5.8.2 shall prevent a building or part of a building being constructed at first floor level over a pedestrian link. Pedestrian links should be open to the sky.~~"

- b. The pedestrian link map is an insufficient size and the format is not supported and it should be renamed a "permeability" map and amended (as further detailed in the map attached to the submission) to:
 - i. Show desired locations/ future pedestrian linkages rather than just existing ones, including Horne Creek, noting that it fails to show important links that have been introduced since the last map. I.e. Ngai Tahu courthouse area and opening up of Horne Creek.
 - ii. Encompass Gorge Road retail and the expanded town centre and show all existing and desired links.
 - iii. show what will be required, not just in this zone but in all town centre and mixed use zones, noting that the map is too restrictive.
 - c. There could be incentives (i.e. height etc.) for linkages offered in desired areas.
- 13.54. Submitter 599 (Peter Fleming) opposes the pedestrian link map as he considers the map and potentially also the legal descriptions are incorrect.
- 13.55. Submitter 617 (Tweed Development Limited) requests that the PDP is modified so notified Rule 12.5.8 Figure 1 and the associated descriptions recognise that, with regard to the pedestrian connection between the Mall and Searle Lane (closest to the lake), a covenant and agreement exists with the Council to allow the connection to be moved to run directly between the Mall and Searle Lane along the boundary of Section 21 Block II Town of Queenstown.
- 13.56. In response, relying in part on the evidence of Mr Church and Ms Gillies I recommend that:
- a. The notified pedestrian link map and the related legal descriptions (in Rule 12.5.8) are corrected and all formal existing laneways and pedestrian links are included.
 - b. The pedestrian link map in notified Rule 12.5.8 of the PDP is enlarged and referred to in Rule 12.5.8 but inserted instead at the end of Chapter 12.
 - c. Future potential links and laneways are not shown on the pedestrian link map in the PDP. Rather, I expect that when consents for buildings, comprehensive development plans, and building coverage (where applicable) are being considered, the future links shown on documents such as the Queenstown Town Centre Strategy (2009) are taken into account and opportunities to expand the network are taken.

- d. Notified Policy 12.2.2.5(b), which already incentivises the provision of laneways in lieu of gaining additional height, is amended to specify that where such links or laneways are being offered up as a trade-off for height, they shall be open to the sky and note that this may include the uncovering and restoration of Horne Creek.
- e. Notified Rule 12.5.8 clarifies that where existing lanes and links are open to the sky then they shall remain as such and if provided as part of a redevelopment of the site, shall be a minimum of 4m wide where the existing link is covered then, when the site is redeveloped, it can remain as covered connections and shall be at least 1.8 m wide.
- f. The pedestrian link map in notified Rule 12.5.8 should not be extended beyond the Town Centre, as sought by the submitter, as to do so would be beyond the scope of the chapter.
- g. It is unnecessary to include text in the PDP recognising that there is a covenant and agreement with QLDC to allow the connection between The Mall and Searle Lane (closest to the lake) to be moved as a) the rule specifies that connections only need be in the general location and b) at the time of resource consent a title search will be undertaken by Council and this will be immediately confirmed.

13.57. In reaching a conclusion regarding whether links and laneways need remain uncovered, while it would be preferable in my view for all the lanes and links to be open to the sky, I acknowledge that existing use rights make it unrealistic to require existing links to be opened up to the sky unless the nature and scale of the development were changing); that the fine grain of the SCA may limit the suitability of wider mid-block lanes in this area; and that the narrower pedestrian links still make an important contribution to the Town Centre character. Provided any redevelopment of these is of a high quality and, importantly, that CPTED principles are adhered to, then these can continue to make a positive contribution in the centre of town but should not be replicated in any new development areas on the periphery where the scale of the grid and built form differs and is well suited to laneway development of the type that has occurred in the Church Street and Post Office precincts.

13.58. These amendments have been made to **Appendix 1**.

Pop-up temporary buildings, street entertainment, and artworks

13.59. Submitter 630 (DowntownQT) supports notified Objective 12.2.1 regarding the role of the Town Centre, stating that the Council should consider opportunities within the District Plan to enable diversity of street life and consider other Council regulations (such as bylaws) to support this. The submitter specifically requests that, in order to achieve this, the Council provide for the following as permitted activities:

- a. Small "pop up" buildings (i.e. pop up retail and bars) for a limited time period (e.g. 6 months) either across the entire Town Centre Zone, or could be restricted to specific areas such the Lake Esplanade.
- b. Street entertainment.
- c. Art work and sculptures (for example, so as to avoid them being captured by the definition of "building").

13.60. I support such initiatives in principle as I agree that they can contribute significantly to the success and relevance of the Town Centre. Temporary pop up buildings, artwork, and street entertainment can enable more efficient use of the land; add to the sense of place; provide interest and a point of difference; add diversity (by offering a more affordable and flexible commercial space); and help with crime prevention and enhancing vibrancy by activating spaces which may be otherwise disused/ vacant.

13.61. It would be useful to know from DowntownQT whether the pop up buildings they refer to are in relation to events or should be generally provided for. For now, it is assumed to be the latter.

13.62. I note that the temporary activities rules (Chapter 35) do not make provision for temporary buildings per se but do make provision for temporary events as permitted activities, which is defined as follows and could potentially include the erection of a small temporary building(s) for the purpose of/ associated with an event, either on public or private land:

Temporary Events: Means the use of land, buildings, tents and marquees, vehicles and structures for the following activities:

- carnivals
- fairs
- festivals
- fundraisers
- galas
- market days
- meetings
- exhibitions
- parades
- rallies
- cultural and sporting events
- concerts
- shows
- weddings
- funerals
- musical and theatrical entertainment, and
- uses similar in character.

13.63. I also note that as roads are un-zoned in the PDP, a pop up building on road reserve would not require resource consent but would be required to obtain a 'Licence to Occupy' from the Council which, while this is not subject to RMA processes, can still be quite a lengthy process and incurs some upfront and ongoing costs.

- 13.64. It is worth also considering whether the definition of building (as currently drafted or as it may potentially be re-drafted through decisions on submissions) already provides exceptions for pop up buildings. I understand that in terms of district plan administration and enforcement, the Council does not consider a structure or building that is on a trailer, is road worthy and can be driven away to be a building. Therefore this may provide one opportunity for pop up buildings without the need for resource consent. I also note that none of the submissions on the definition of building are likely to result in the definition exempting small pop up buildings (with the possible exception that containers may be enabled if the definition was simply as per the Building Act).
- 13.65. In summary under the PDP rules, a building associated with a temporary event could arguably be permitted but any other building that is either not on road reserve, not on wheels, (and exceeds the size requirements) would require a restricted discretionary activity consent.
- 13.66. Other than compliance with the noise requirements, street entertainment is regulated by the Control of Activities in Public Places Bylaw (2016) rather than through the District Plan and therefore is outside the scope of the District Plan.
- 13.67. With regard to art and sculptures, the definition of Building in the PDP includes the following exemption (9th bullet point):
- *Public outdoor art installations sited on Council-owned land.*
- 13.68. As this may not be wide enough to fully meet the relief sought, (which may also relate to artworks on private land being permitted) and there is a risk that it may be removed in response to other submissions on the definition, I recommend also including an exemption for all permanent and temporary outdoor art installations from notified Rule 12.4.6, regardless of whether they are public or private, in order to better achieve Objective 12.2.3 regarding vibrancy.
- 13.69. As outlined above and in the S32AA assessment in **Appendix 4**, I consider that the environmental and economic/ efficiency benefits of enabling pop up buildings and artworks of a limited duration/ scale as permitted activities outweigh the costs. As such, I recommend exempting temporary buildings that are in place for no longer than 6 months and artworks (permanent and temporary) from requiring resource consent in respect of design (i.e. Rule 12.4.6), noting that they will still need to comply with the relevant performance standards such as height. The building consent or an alternative simple certification process will provide the Council with a tool via which to ensure that the duration period is not exceeded if deemed necessary.

14. ISSUE 6 - THE APPROPRIATENESS OF THE PROPOSED COVERAGE AND SETBACK PROVISIONS AND THE REQUIREMENT TO PROVIDE A STRUCTURE PLAN AND WITHIN THE TCTZ AND IN RELATION TO ALL LARGE SCALE DEVELOPMENTS

14.1. In summary, I have recommended the following changes:

- a. Change Rule 12.5.1.1 to trigger the need to comply with a maximum coverage rule of 75% on all developments on a site or sites over 1400m² in area and to include a meaning of comprehensive development within the rule. As a consequence, I have also recommended lowering the area threshold of notified Rule 12.4.6.2 (buildings on sites larger than 1800m²) to 1400m² for consistency.
- b. Remove notified Rule 12.5.2 requiring setbacks on Beach Street.

14.2. Seven submitters⁷² support the removal of controls over site coverage for the majority of the Town Centre Zone. There are further submissions⁷³ in opposition and support of these.

14.3. Submitter 238.14 (NZIA)⁷⁴ requests that all development over 80% of a site be discretionary to allow for permeability and connections to be made through sites.

14.4. For the reasons outlined in the s 32 report⁷⁵ and in Mr Church's evidence⁷⁶, I remain of the view that it is appropriate to enable 100% site coverage throughout the Queenstown Town Centre, other than in relation to large, comprehensive developments and in the TCTZ, as further discussed below. While there will be discrete times where there may be some benefit in providing some unbuilt private or semi-public space within a smaller site, in the fine grain heart of the Town Centre (and particularly in the SCA), such opportunities are rare. On balance, I consider that the environmental and economic costs of imposing this rule on all sites outweigh any potential benefits. Where such opportunities do exist, these are most likely to be as part of a larger scale development which, under Rules 12.4.6.2, 12.5.1.2, and 12.5.8 of the PDP, will be subject to a maximum coverage rule, structure planning requirements, and at times, a requirement to provide a pedestrian link or lane.

14.5. Submitter 491 (Redson Holdings Ltd) supports notified Rule 12.5.1 (which requires developments greater than 1800m² and/ or within the TCTZ to be comprehensively developed and to provide building coverage of not more than 75%) and requests Rule 12.5.1.1 be

72 Submitters 491 (Redson Holdings Ltd), 596 (Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited)606 (Skyline Investments Limited & O'Connells Pavilion Limited), 609 (Skyline Properties Limited & Accommodation and Booking Agents Queenstown Limited), 614 (Shotover Memorial Properties Limited & Horne Water Holdings Limited), 616 (Trojan Holdings Limited & Beach Street Holdings Limited), and 650 (Foodstuffs South Island Ltd and Foodstuffs South Island Properties Ltd)

73 Submissions 660 and 609 are opposed by FS1063.24 and FS1063.31 (Peter Fleming and others) and 614 is supported by FS1200.1 (Stanley Street Investments Limited and Stanley Street Limited and Kelso Investments Limited).

74 Opposed by FS1107 (Man Street Properties Ltd), FS1226 (Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited), FS1234 (Shotover Memorial Properties Limited & Horne Water Holdings Limited), FS1239 (Skyline Enterprises Limited & O'Connells Pavilion Limited), FS1241 (Skyline Enterprises Limited & Accommodation and Booking Agents), and FS1248 (Trojan Holdings Limited & Beach Street Holdings Limited), and FS1249 (Tweed Development Limited)

75 Pages 18 and 19, S 32 report.

76 Evidence of Mr Church, paragraphs 17.1-17.11.

adopted. Submitter FS1236.14 (Skyline Enterprises Limited) opposes this; considering such a requirement is unnecessary and will not be an effective or efficient use of land.

- 14.6. Submitter 663 (IHG Queenstown Ltd and Carter Queenstown Ltd)⁷⁷ requests that the 75% coverage rule only applies to the Transition subzone and not to sites over 1800m² that are located outside of that.
- 14.7. Submitters 398 (Man Street Properties Limited), 574 (Skyline Enterprises Limited), and 663 (IHG Queenstown Ltd and Carter Queenstown Ltd) (opposed by FS1139 (Carl & Lorraine Holt) and FS1191 (Adam & Kirsten Zaki) request the deletion of notified Rule 12.4.6.2, which requires the provision of a structure plan for sites over 1,800m² in area or on any site within the TCTZ. Man Street Properties Limited cites its reasons as being that it will not achieve efficient land use; is inefficient as it adds additional consenting; is unnecessary given the control over building provided through Rule 12.4.6.1; the submitters site is already required to provide view shafts; and that the monitoring of the Town Centre Zone has not identified any resource management issue or potential adverse outcomes resulting from the ODP.
- 14.8. While submission 238.14 (NZIA), seeking 80% coverage throughout the whole QTTCZ, is couched in a zone-wide manner, in my opinion, there is a reasonable argument that it provides the scope to alter the notified coverage Rule 12.5.1 to enable it to be applied more widely.
- 14.9. In response to submissions, I note that the 75% maximum coverage rule was determined by a number of factors, including that:
- a. The building coverage provided within the comprehensive development in the Marine Parade/Church/ Earl/ Camp Street block (RM000902) is 75% and the building coverage provided within the post office precinct development is 67%. I consider both to be good examples of comprehensively planned developments.
 - b. The building coverage that would be achieved if the viewshafts on the Man Street carpark block are developed as open space areas as is recommended in this report (even if an additional basement level is enabled on one of them) is 72%.
 - c. Development within the Plan Change 50 area, which provides something of a transition zone or at least peripheral Town Centre zoning, is subject to maximum coverage rules of 70% and 80% in the respective Lakeview and Isle street subzones.
- 14.10. In the absence of any other evidence to the contrary I recommend retaining the 75% maximum coverage requirement, noting that a restricted discretionary activity is triggered and so this does not preclude it from being considered case by case at the time of resource

⁷⁷ Opposed by FS1139 (Carl & Lorraine Holt), and FS1191 (Adam & Kirsten Zaki).

consent, but avoids almost all resource consents in the Town Centre from having to obtain consent for a breach as is the case under the ODP.

- 14.11. Relying in part on Mr Church's evidence, I remain of the view that it is appropriate to retain a maximum coverage rule for large sites within the Town Centre and also for all sites (regardless of size) within the Town Centre Transition subzone.
- 14.12. That said, I have recommended a number of changes to Rule 12.5.1.1 (and, as a consequence, to Rule 12.6.4) in order to improve its effectiveness, relying on the NZIA's submission seeking that a 80% coverage rule be imposed on all sites to do so. The amendments that have been made are to:
- a. Change the site size triggering the 75% maximum coverage in notified Rule 12.5.1.1 to 1400m². Amend the rule to make it clearer and to ensure that the rule is applied to developments which cover a land area of 1400m², regardless of whether that land comprises one or more sites.
- 14.13. These recommended changes are informed in part by advice from Mr Church, (who supports the principle of requiring larger sites to be structure planned and to provide the opportunity to secure some open space where appropriate), and also by further analysis of property sizes in the Queenstown Town Centre (determined by both contiguous ownership/ landholding and by title). This information is shown in the plans attached as **Appendix 5**. In summary, those plans show that there are currently 20 titles over 1400m² in size outside the TCTZ (excluding recreation reserves) and that a further 8 areas over 1400m² comprise more than one title which are held in common ownership and therefore may well be developed comprehensively in the future. In my opinion, only some of these properties might realistically be redeveloped in the life of this plan but with ownerships changing and amalgamations occurring from time to time, these plans only provide a snapshot in time. By lowering the threshold to 1400m² and ensuring it can be applied to multiple sites this means that the rule will apply to more development sites (i.e. land held in contiguous ownership), over and above those that would be captured by the notified rule. As outlined by Mr Church (paragraphs 14.6 and 14.7), the change means that some key additional sites would be subject to the rule at this point in time, which he sees as highly positive. In my opinion, redraft Rule 12.5.1 will more effectively implement the outcomes sought by Objectives 12.2.2 and 12.2.4 and provide complimentary support to Rules 12.4.6.2 and 12.5.8.
- 14.14. Partly as a consequence of the recommended amendment to Rule 12.5.1, I recommend deleting Rule 12.4.6.2 as it is essentially duplication of Rule 12.5.1.2 albeit that the matters of discretion in 12.5.1.2 are more comprehensive. The only matter included in 12.4.6.2 that is not in 12.5.1.2 and so needs to be added to that is reference to add discretion over the provision of cycle and vehicle links. Various submissions (as outlined in paragraph 14.7 above) provide the scope for its deletion.

14.15. The amended Rule 12.5.1.1 is contained in the recommended revised chapter in **Appendix 1** and a s 32AA assessment is included in **Appendix 4**.

The Proposed Setback Provisions (12.5.2)

14.16. Submitter 616 (Trojan Holdings Limited & Beach Street Holdings Limited) opposes the setback rules on the north side of Beach Street, citing that it will limit the efficient use of a scarce resource; will place significant limits on development potential without any identifiable benefits; is not necessary as a suitable design can be achieved without arbitrarily imposing additional bulk and location controls; and will not reflect the positive effects that the existing varied setbacks of the buildings has on the streetscape.

14.17. Submitter 606 (Skyline Investments Limited & O'Connells Pavilion Limited) (opposed by FS1063.28 (Peter Fleming and Others) requests that Rule 12.5.2.1, requiring a 1 m building setback on the south side of Beach St, be deleted as there is no rationale for it, particularly on lower Beach Street.

14.18. Submitters 617 (Tweed Development Limited) and 383 (QLDC) request the removal of the 0.8m setback requirement from lower Beach Street such that it only applies to the block between Rees and Camp Streets, with Submitter 617 specifically seeking such relief for Lot 1 DP 20093 9, which is on the corner of Beach and Hay Streets. Similarly, submitter 383 (QLDC) also requests that rule 12.5.2.2 be amended to require that only buildings on the south side of Beach Street and which are located between Rees Street and Camp Street shall be set back a minimum of 1 m, noting that the notified wording requires buildings anywhere on Beach Street (including lower Beach Street) to be setback whereas the intention was to apply the setback only to the Rees/ Camp Street block.

14.19. The reasons for retaining the setbacks on upper Beach Street are outlined in the S 32 report⁷⁸ as follows:

The building setbacks required on Beach Street will enable the footpaths to be further widened and/ or encourage onsite outdoor dining and will retain/ enhance sunlight access to the south side of the street. This is the narrowest street in Queenstown, is a pedestrian-oriented street, already has a character typified by staggered frontages, and currently struggles to receive good sunlight in winter. As such, the potential improvements to the pedestrian environment will outweigh any adverse effects from imposing a setback.

14.20. I also note that:

- a. Stratton House (RM990598), which is a relatively recent large scale development on the south side of the street, provides a 4 m setback and this provides for wider footpaths and seating within a semi-public space.

- b. The setbacks are varied on the northern side with the most recent development on this side of the street (RM150881) providing a staggered setback ranging from nil to 0.8m.
 - c. Since notification of the PDP, the Council has resolved to pedestrianise upper Beach Street, from Cow Lane to Camp Street.
- 14.21. Having considered the costs and benefits further, the most compelling reason for retaining the setbacks, in my opinion, is that on the north side they provide an indirect way of achieving 2 storey buildings with 7m high façades and a parapet at the stipulated height all within the recession plane and with minimal effect on sunlight access. Without the setback the parapet height imposed by Rule 12.5.10.1 would not be allowed to protrude through the recession plane as this would result in unacceptable shading.
- 14.22. On balance and as outlined further in **Appendix 4**, I am of the view that the setbacks are not the most appropriate method of achieving Objectives 12.2.2 and 12.2.4 as there is no particular merit in:
- a. incrementally widening the road corridor, noting that a) the existing street width of approximately 10.8 m can accommodate 2 storey facades; b) it is to be pedestrianised and therefore street widening is no longer a possibility); and c) it currently provides a pleasant, enclosed space that is of a human scale yet still affords views to the mountains over the buildings;
 - b. having stepped/ uneven building facades, noting that this is inconsistent with the character of the SCA;
 - c. having strips of land in private ownership along the street, which, while this can be positive as in the Stratton House case, can also result in the unclear demarcation of private/ public space and undesirable clutter from premises displaying merchandise and signage, etc., which has the appearance of encroaching onto public space even though at times it may not be and therefore complicates monitoring; and
 - d. using the setback rule as an indirect way of enabling a parapet to be provided within the recession plane. I note that while the parapets provide some variety and relief, especially given the low façade height permitted, they are not essential from a character perspective and so it is not fatal if some designs do not include such an element.
- 14.23. In response to submissions, relying in part on the evidence of Ms Gillies and Mr Church and also being cognisant of the recent Council decision to pedestrianise the majority of the block, I am of the opinion that it is appropriate to remove the setback/ street scene rule (Rule 12.5.2). This amendment has been made to **Appendix 1** and a s 32AA evaluation is included in **Appendix 4**.

14.24. If the Panel decide to retain Rule 12.5.2, then I am of the view that it is appropriate to apply Rules 12.5.2.1 and 12.5.2.2 only to the part of Beach Street that runs between Rees and Camp Streets and to remove it from lower Beach Street, where, due to its much wider roading corridor, and the fact Earnslaw Park fronts it for much of its length, such setbacks are unnecessary.

15. ISSUE 7 - THE APPROPRIATENESS OF THE PROVISIONS RELATING TO RESIDENTIAL AND VISITOR ACCOMMODATION ACTIVITY IN THE TOWN CENTRE

15.1. In summary, the only change recommended is to make a minor change to Policy 12.2.6.4 and Rule 12.4.2 to acknowledge the importance of the safety and efficiency of the road network.

Policy framework

15.2. Submitter 719 (NZ Transport Agency) requests that Policy 12.2.4.6 be amended to read as follows:

Encourage visitor accommodation to be located and designed in a manner that minimises traffic issues that may otherwise affect the safety, efficiency, and functionality of the roading network, and the safety and amenity of pedestrian and cyclists, particularly in peak periods.

15.3. Submitters 663 (IHG Queenstown Ltd and Carter Queenstown Ltd)⁷⁹ and 672 (Watertight Investments Ltd) request that the Policy be deleted.

15.4. I consider that the changes requested by NZTA are appropriate as incorporating them will help the policy to better achieve Objective 12.2.4 in relation to accessibility and to align better with Rule 12.4.2 (as notified and as recommended in **Appendix 1**). These changes to Policy 12.2.4.6 have been made to **Appendix 1**.

Rules relating to visitor accommodation and residential activities (Rules 12.4.1 and 12.4.2)

15.5. Submitters 630 (DowntownQT) and 774 (Queenstown Chamber of Commerce) support residential and visitor accommodation (provisions) in the Queenstown Town Centre Zone, with the Chamber adding the proviso that insulation and mechanical ventilation is included to prevent reverse sensitivity effects. Submitter 719 (NZ Transport Agency) requests Rule 12.4.2 be amended in line with the changes they request to the related policy (above).

15.6. Submitter 599 (Peter Fleming) opposes the rule relating to visitor accommodation; requesting that any existing use rights regarding visitor accommodation are not diminished. I am unclear what is specifically being sought by this submission and invite Mr Fleming to clarify this through evidence and/ or at the hearing. I note that the ODP and PDP rules are similar with the main differences being that the external building appearance is now subject to a restricted discretionary consent (as opposed to controlled); the location, nature, and scale of visitor

79 Opposed by FS1139 (Carl & Lorraine Holt) and FS1191 (Adam & Kirsten Zaki).

accommodation and ancillary activities within the site and in relation to neighbouring sites is a new matter of control (replacing control over setbacks in the ODP); matters of traffic generation and travel demand management are new matters of control; and, where the site adjoins a residential zone, the hours of operation of ancillary activities and noise generation are new matters of control.

- 15.7. In response to the submission, I remain of the view that Rule 12.4.2 provides Council with useful additional control in terms of encouraging site layouts that benefit the streetscape, avoid or minimise conflict between uses, and avoid or minimise potential adverse effects on the roading network and pedestrian environment. I recommend that the changes to Rule 12.4.2 sought by NZTA be made, for the same reasons as outlined above, and have included them in **Appendix 1**.

16. ISSUE 8 - THE APPROPRIATENESS OF THE SURFACE OF WATER AND WATERFRONT SUBZONE PROVISIONS

- 16.1. In summary, I have recommended the following changes:
- a. An amendment to planning maps 35 and 36 to clearly show the Waterfront subzone boundary.
 - b. Minor amendments to Rules 12.4.7 and 12.4.8 to refer to the waterfront area as a subzone of the Town Centre, rather than a stand-alone zone.
 - c. A minor amendment to Policy 12.2.5.6 to acknowledge that structures are required to meet safety and design standards.
 - d. An expansion of the matters to be considered when processing applications for wharves, jetties, and surface pursuant to Rule 12.4.7.1 to include the extent to which the proposal will "affect the values of wahi tupuna; maintain or enhance public access to the lake and amenity values including character; affect water quality, navigation and peoples safety, and adjoining infrastructure; and maintain (rather than provide) a continuous waterfront walkway...".

Mapping issues and confirmation that this area is a subzone of the Queenstown Town Centre Zone

- 16.2. Submitters 383 (QLDC) and 766.34 (Queenstown Wharves GP Limited) request that the Queenstown Waterfront Subzone be reinstated on proposed planning maps 35 and 36 as shown in the ODP and that the boundary is clarified particularly in relation to the boundary of St Omer Park, noting that the intention in the PDP was to retain this as per the ODP and to make no change other than to make it clearer on the planning maps. Queenstown Wharves notes in particular that it appears from the planning maps that St Omer Park extends further than the lines denoting where the non-complying status ends.

- 16.3. The omission of the boundary was a mapping error in the notified planning maps and due to the importance of the subzone specific rules that apply to the waterfront subzone, I recommend that the boundary be reinstated on the planning maps as per the ODP and in the manner intended. Adding this subzone boundary, together with a consequential change to Rule 12.4.7, which refers specifically to the St Omer Park boundary should rectify the ambiguity identified by the submitter in that location, recognising that as currently drafted part of the park is within the waterfront zone and part of it is outside of it.
- 16.4. Related to this, submitters 621 (Real Journeys Limited) and FS1115 (Queenstown Wharves Limited) request the amendment of Rule 12.4.7.1 to ensure that all areas referred to in the rules are accurately identified on the planning maps and that the maps are referred to in the rules. In response, I have recommended that the reference to "as shown on the planning maps" be included in Rule 12.4.7.1 and that the rule clarifies that St Omer Park is identified as designation 217 on the planning maps.
- 16.5. I have noticed in reviewing the chapter that, while the waterfront area is referred to as the Queenstown Town Centre Waterfront Subzone in Rule 12.4.2 it is incorrectly referred to as the Queenstown Waterfront Zone in Rules 12.4.7 and 12.4.8. This is a drafting error and should be corrected for consistency. I consider that this is a non-substantive change and have suggested this change to the Panel through this process. The change would not affect the regulatory impact of the rule and would avoid any uncertainty that the Town Centre zone-wide provisions also apply to the waterfront subzone.

Policy framework

- 16.6. I note that while the Town Centre Zones Monitoring Report⁸⁰ does not raise any issues with the waterfront subzone rules, it comments that the subzone is ill-defined; that Policies 3.1 - 3.3 are aspirational; that Policies 3.4 - 3.6 are important to provide direction on non-complying activities in the zone but are uncertain in a number of areas, including the fact the amenity and visual values of the land/ water interface have not been identified in the plan and that the extent of the Queenstown Bay waterfront area is not clearly defined; and that the intent of Policy 3.7 (relating to retaining and enhancing all the public open space areas adjacent to the waterfront and managing these areas in accordance with the various Foreshore Management Plans) cannot be achieved through the District Plan.
- 16.7. However, the report lacks sufficient information to really understand where these conclusions stem from and/ or what they mean in some instances (e.g. the comment that the policies are aspirational). I note that all but one of the ODP policies have been included in the PDP, albeit with slight amendments with the only significant amendment being that the policy relating to public open space no longer refers to management accordance with the various Foreshore Management Plans. The following policy has not been included in the PDP:

⁸⁰ Pages 4 and 27-28.

To identify the important amenity and visual values, and to establish external appearance standards to help secure and implement these values and implement those through the District Plan.

- 16.8. Submitters 807 (Remarkables Park Limited), 217 (Jay Berriman), and 380 (Villa dellago) support Objective 12.2.5.
- 16.9. Submitters 607 (Te Anau Developments Limited) and FS1097 (Queenstown Park Limited), request that Objective 12.2.5 and the supporting policies be amended to ensure tourism activities, including the transport of passengers and supporting buildings, infrastructure, and structures, are specifically provided for.
- 16.10. Submitter 621 (Real Journeys Limited) requests that Policy 12.2.5.2 be amended to promote a strategic comprehensive approach to the provision of facilities for water-based activities and submitter 766 (Queenstown Wharves GP Limited) requests it be deleted (supported by FS1341.2 (Real Journeys Limited)).
- 16.11. Submitters 807 (Remarkables Park Limited) and 766 (Queenstown Wharves GP Limited) request that Policy 12.2.5.3 (regarding conserving and enhancing the natural qualities of the foreshore and adjoining waters) be deleted and submitter 621 (Real Journeys Limited) requests the policy be amended as follows:

Conserve, maintain and enhance, as far as practical where appropriate, the natural qualities and amenity values of the foreshore and adjoining waters.

- 16.12. Submitter 621.47 (Real Journeys Limited) requests that Policy 12.2.5.6 be amended as follows:

Provide for the development, maintenance, and upgrading of structures within the Queenstown Bay waterfront area recognising these structures are required to meet minimum safety and design standards, subject to compliance with strict location and appearance criteria

- 16.13. Submitter 238 (NZIA) (opposed by various submitters)⁸¹ generally supports Policy 12.2.5.6 but requests it be amended to read subject to the review by the urban design panel rather than subject to compliance with strict location and appearance criteria" in recognition that it is not just location and appearance that need to be considered but also blocking views, filling up harbour, etc.

81 FS1107 (Man Street Properties Ltd), FS1226 (Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited), FS1234 (Shotover Memorial Properties Limited & Horne Water Holdings Limited), FS1239 (Skyline Enterprises Limited & O'Connells Pavilion Limited), FS1241 (Skyline Enterprises Limited & Accommodation and Booking Agents), and FS1248 (Trojan Holdings Limited & Beach Street Holdings Limited), and FS1249 (Tweed Development Limited).

16.14. In response, in my opinion:

- a. It is unnecessary and/ or inappropriate to change the objective and policies to specifically provide for tourism activities as a) they already acknowledge the area is to be managed for visitors as well as residents and b) I consider that an amended policy which provides for tourism including supporting buildings and structures as sought, would be inconsistent with the rules. The rules classify many buildings and structures that would arguably support tourism as non-complying within the subzone.
- b. Policy 12.2.5.2 is an important policy, which appropriately and sufficiently signals the desire for a comprehensive approach to activities in the subzone. The addition of the word strategic is unnecessary.
- c. Policy 12.2.5.3 regarding natural qualities offers important support to those rules which prevent certain activity and built form in the more natural and remote parts of the subzone and I consider the suggesting amendment would inappropriately weaken the policy.
- d. Policy 12.2.5.6 should be amended to acknowledge that structures are required to meet safety and design standards (outside the District Plan) but the other amendments sought by the submitter are unnecessary.
- e. With regard to Policy 12.2.5.6 and the need to require structures to be considered by the UDP, while I agree that the submitters concerns about the potential effects on views, etc. will be relevant in many instances, I do not consider this will always be the case in respect of structures in the subzone. As such, I do not recommend mandating any such review through policy in the District Plan.

Rules (12.4.2, 12.4.7, and 12.4.8)

16.15. Submitter 621 (Real Journeys Limited) requests that part a) of Rule 12.4.3 be amended as follows:

- (a) *Any adverse effects of additional traffic generation from the activity
and mitigation of those effects*

16.16. In my opinion, as this is a matter of control it is not necessary to add this extra wording.

16.17. Submitters 621 (Real Journeys Limited), 766 (Queenstown Wharves GP Limited), and FS1115.5 (Queenstown Wharves Limited) request the amendment of Rule 12.4.7.1 to permit the maintenance of wharves, jetties and associated structures (provided the existing scale, intensity and character is unchanged).

- 16.18. Submitters 766 (Queenstown Wharves GP Limited) and 807 (Remarkables Park Limited) request that Rules 12.4.7.1 and 12.4.7.2 be amended to change the status of all wharfs and jetties, and commercial surface of water activities from discretionary to controlled.
- 16.19. In response to submissions, in my opinion:
- a. A rule permitting the maintenance of wharves etc. is unnecessary as this is covered by existing use rights and as such no change is recommended in this regard.
 - b. Controlled activity status is not sufficient to ensure the objective will be implemented and does not align with the policies, especially those relating to amenity, pedestrian amenity, the appearance of structures and promoting a comprehensive approach in terms of the location of activities, etc.
- 16.20. To the contrary, two submitters request more guidance as to what will be considered when such discretionary consents are being processed, as outlined below.
- 16.21. Submission 810.34 (Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua) requests that the effect of structures in the waterfront subzone on the values of wahi tupuna be added as a consideration in assessing such applications. This submission was also considered in hearing stream 1A (tangata whenua) and the Appendix 2 of the Tangata Whenua chapter (5) s 42A report recommended that the relief sought be rejected. I am unaware of the reasoning behind that.
- 16.22. Submitters 621 (Real Journeys Limited) and FS1115.5 (Queenstown Wharves Limited) request Rule 12.4.7 be further amended to expand the matters Council will consider in relation to wharves, jetties, and commercial surface of water activities to include the extent to which the proposal will:
- a. Maintain or enhance public access to the lake and amenity values including character.
 - b. Affect water quality, navigation and people's safety, adjoining infrastructure, and the operation of the TSS Earnslaw.
 - c. Improve (rather than create) vibrancy of the waterfront (and delete reference to maximising the opportunities and attraction inherent in a visitor town situated on a lakeshore).
 - d. Maintain (rather than provide) a continuous waterfront walkway from Home Creek right through to St Omer Park.
- 16.23. In response to submissions, in my opinion it is appropriate to amend Rule 12.4.7 by adding the following "the extent to which any proposal will: Affect the values of wahi tupuna...;

maintain or enhance public access to the lake and amenity values including character...;and affect water quality, navigation and peoples safety, and adjoining infrastructure; and maintain (rather than provide) a continuous waterfront walkway" as matters to be considered when processing applications for wharves, jetties, and commercial surface of water activities.

- 16.24. Submitters 621 (Real Journeys Limited), 766 (Queenstown Wharves GP Limited), and FS1115.5 (Queenstown Wharves Limited) request the amendment of Rule 12.4.7 to enable certain buildings (e.g. ticket offices) while continuing to restrict other buildings (as non-complying), with submitter 621 suggesting the inclusion of a new restricted discretionary activity (Rule 12.4.7.3) as follows:

12.4.7.3 Excluding maintenance and alterations permitted by rule 12.4.7.0 above, the construction and use of a single story building for the purpose of a ticketing office is a restricted discretionary activity. Council's discretion is limited to:

- *Building location, design and use in terms of compatibility with the nature and scale of existing buildings and open spaces, including the ability to maintain a continuous waterfront walkway;*
- *Accessibility in terms of servicing requirements;*
- *Outdoor storage requirements;*
- *Storage and disposal of waste;*
- *Signage platforms; and*
- *Health and safety.*

- 16.25. Submitter 621 (Real Journeys Limited) requests the following consequential change to Rule 12.4.8.2:

Any buildings and structures, located on Wharfs and Jetties within the Queenstown Town Centre Waterfront Zone, which are not provided for by Rule 12.4.7.

- 16.26. In response, I do not consider that this will achieve the objectives of the PDP in that, in my opinion, buildings of the type and/ or in the location specified in Rule 12.4.8 have the potential to have a significant effect on views, natural qualities, amenity, and pedestrian flows/ accessibility in the waterfront subzone and that there is ample commercial capacity within the Town Centre zone adjacent to subzone for such buildings. I therefore do not recommend any change in this regard.

- 16.27. Submitter 621 (Real Journeys Limited) seeks that Rule 12.4.8.1 be expanded to make all structures and moorings (and the associated occupation of water space), between the Town Pier (as shown on the planning maps) and Queenstown Gardens which are not provided for

by Rule 12.4.7 a non-complying activity, rather than applying the rule only to jetties and wharves.⁸²

16.28. To the contrary, Submitter 766 (Queenstown Wharves GP Limited) and FS1341.15 (Real Journeys Limited) request that Rule 12.4.8.2 be deleted (having the effect of making all buildings subject only to the standard restricted discretionary activity building rule) or, if retained, amended to exclude buildings related to water-based public transport and tourism recreation facilities.

16.29. Submitter 766.1 (Queenstown Wharves GP Limited) requests that the provisions allow flexibility for the future use and management of the St Omer and ORegans wharves and their connections for a wide range of uses. As no specific relief is sought I have not provided a specific recommendation.

16.30. In response to these submissions:

a. I do not recommend creating a new rule to enable ticketing offices and buildings for water-based public transport and tourism recreation facilities as a restricted discretionary activity, in the manner suggested as I do not consider this is an appropriate way of achieving the objectives of the District Plan.

b. I do not recommend extending the non-complying status of jetties and wharves and buildings on jetties and wharves south of the town pier to include moorings and other structures as there is no evidence provided in support of such an expansion of the rule.

16.31. Submitter 621 (Real Journeys Limited) requests that Rule 12.5.14 be amended to include a standard requiring glare from the Queenstown Bay foreshore to avoid interference with the navigational safety of vessels, as follows:

Light from any activity shall not be directed out over the water in Queenstown Bay in such a way that interferes with the safe operation and navigation of the "TSS Earnslaw".

16.32. In the absence of any evidence in relation to this matter, I recommend rejecting the submission. However the submitter is invited to provide evidence in this regard at the hearing.

16.33. Submitters 621 (Real Journeys Limited) and 607 (Te Anau Developments Limited) request that provisions relating to the protection, use and development of the surface of lakes and rivers and their margins be extracted and inserted into a specific chapter that focuses on

82 *12.4.8.1 The construction of structures, including Wharfs and Jetties and moorings, and associated occupation of water space within the Queenstown Town Centre Waterfront Zone between the Town Pier (as shown on the planning maps) and Queenstown Gardens which are not provided for by Rule 12.4.7.*

development and activities carried out on the surface of water and within the margins of waterways. In response to this submission and in line with the recommendations made in the s 42 A report on the Rural Chapter, I recommend that this submission be rejected.

17. ISSUE 9 - TRANSPORTATION

- 17.1. Discussion of this issue in this hearing is limited to those submissions which are directly on objectives and policies contained in the notified chapter 12.
- 17.2. In summary, I have recommended making a minor change to Policy 12.2.4.5 to encourage public transport to be considered as part of jetty applications as well as when considering roading improvements.
- 17.3. Submitter 798.47 (Otago Regional Council) states that public transport users are multi-modal as they generally walk or cycle to access bus services and that developments should look to create active transport connections and link these with existing public transport services and infrastructure where possible. As no specific relief is sought no specific recommendation is provided.
- 17.4. Submitter 719.82 (NZTA) requests that Policy 12.2.4.5 (under the objective of a compact, safe, and accessible Town Centre) be retained while submitters 238 (NZIA)⁸³ and 621 (Real Journeys Limited) request amendments to the policy such that public transport need not only be considered when designing roading improvements but also when designing any transportation-related improvements or, alternatively, also when considering jetty applications.
- 17.5. I assume that the intention of the submissions is to ensure that when any new jetties, wharfs, or buildings are proposed within or in the vicinity of the waterfront the Council can assess it against the policy to consider how well the design will contribute to current or future public transport needs. While the rules themselves are no more permissive for proposals which have considered such needs in their design, I do not think it creates an inherent conflict and does not pre-empt the outcome of Stage 2 of the District Plan review. I therefore suggest amended wording in **Appendix 1** in order to broaden the application of Policy 12.2.4.5 in the manner sought.
- 17.6. In relation to the QTTC Zone Purpose (12.1) Submission 798.47 (Otago Regional Council) suggests that in relation to urban form, developments should create active transport connections and connect with existing public transport services and infrastructure. As a strategic transport-related matter it is my opinion that this is more appropriately considered as

83 Opposed by FS1107 (Man Street Properties Ltd), FS1226 (Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited), FS1234 (Shotover Memorial Properties Limited & Horne Water Holdings Limited), FS1239 (Skyline Enterprises Limited & O'Connells Pavilion Limited), FS1241 (Skyline Enterprises Limited & Accommodation and Booking Agents), and FS1248 (Trojan Holdings Limited & Beach Street Holdings Limited), and FS1249 (Tweed Development Limited and supported by FS1097 (Queenstown Park Limited) and FS1117 (Remarkables Park Limited).

part of Stage 2 of the Proposed District Plan and I therefore recommend rejecting the submission point.

- 17.7. Various submission points⁸⁴ request changes to notified Policies 12.2.2.2 and 12.2.2.3 and/ or request new provisions regarding car parking in the QTTCZ. In response, it is my opinion that these submissions are more appropriately considered in Stage 2 of the District Plan and I therefore recommend rejecting these particular submission points on this basis.
- 17.8. Various submissions⁸⁵ seek that notified Objective 12.2.5 and associated Policies 12.2.5.1, 12.2.5.2, 12.2.5.5, and 12.2.5.6 be amended to recognise the importance of public transport links on the water and better integration of land and water-based journeys. In response, these submissions relate to strategically important transport issues which, in my opinion, are more appropriately considered with the full benefit of a full section 32 analysis and the appropriate level of background material. As such, in my view, such issues are best considered in Stage 2 of the District Plan and I therefore recommend rejecting these particular submission points on this basis.
- 17.9. Submission 807.86 (Remarkables Park Limited) requests that notified Rule 12.4.7 be amended to better reflect the importance of providing water-based public transport facilities and submission 807.88 (Remarkables Park Limited) requests that notified Rule 12.4.8 be amended to exempt buildings in the waterfront subzone for the purpose of public transport. In response, such amendments cannot be made in the absence of establishing a comprehensive policy framework around the provision of a multi-modal transport network and, as such, I recommend that such matters are more appropriately considered in Stage 2 of the Proposed District Plan. I therefore recommend rejecting these particular submission points on this basis.
- 17.10. In relation to all the matters raised in the transport-related submissions summarised above, I note that if, in preparing the Transport Chapter as part of Stage 2, it transpires that more detailed transport-related policies or specific rules are required to sit within the Queenstown Town Centre chapter rather than relying on the proposed district-wide transport section, then a variation to the chapter will need to be notified, or additional policies will need to be notified to from part of the chapter. Alternatively (and in my view, preferably), zone-specific

84 Parts of submissions 82.1 and 82.2 (Toni Okkerse), 187.11, 187.12, and 187.13 (Nicholas Kiddle), and 206.9 (Lindsay Jackson) and 59.1 (Lynda Baker). Further submissions (in support and opposition) FS1107.1 and FS1107.2 (Man Street Properties Ltd), FS1226.1 and FS1226.2 (Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited), FS1234.1 and FS1234.2 (Shotover Memorial Properties Limited & Horne Water Holdings Limited),), FS1239.1 and FS1239.2 (Skyline Enterprises Limited & O'Connells Pavilion Limited FS1241.1 and FS1241.2 (Skyline Enterprises Limited & Accommodation and Booking Agents), FS1248.1 and FS1248.2 (Trojan Holdings Limited & Beach Street Holdings Limited), FS1249.1 and FS1249.2 (Tweed Development Limited), FS1063.37, FS1063.38 and FS1063.54 (Peter Fleming and Others), FS1274.21, FS1274.22 and FS1274.34 (John Thompson and MacFarlane Investments Limited), and FS1265.4, FS1265.5, and FS1265.6 (DJ and EJ Cassells, the Bulling Family, the Bennett Family, M Lynch), FS1268.4, FS1268.5, and FS1268.6 (Friends of the Wakatipu Gardens and Reserves Inc.), FS1059.21 and FS1059.50 (Erna Spijkerbosch), and part of 798.46 (Otago Regional Council).

85 Parts of submissions 766.2 (Queenstown Wharves GP Limited), 798.54 (Otago Regional Council), FS1341.1, FS1341.3 and FS1341.25, (Real Journeys Limited), FS1342.16 (Te Anau Developments Limited), 766.3, 766.5, 766.7, 766.33, FS1341.4, and FS1341.6 (Queenstown Wharves GP Limited), and 807.81 and 807.82 (Remarkables Park Limited).

transportation provisions could be included within the district-wide transportation chapter if necessary.

- 17.11. While not particularly efficient I prefer this approach to the alternative of making changes to transport-related policy now in the absence of detailed background information, consultation, and s 32 evaluation. This approach has the benefit of enabling the issue to be considered holistically with the benefit of supporting transport advice in regard to the appropriateness of water-based public transport and the infrastructure and rules required to enable that.

18. MISCELLANEOUS ISSUES

Efficiency and the notification of resource consents (12.6)

- 18.1. Submitters 650 and 673 (Foodstuffs South Island Ltd and Foodstuffs South Island Properties Ltd) support notified Rule 12.6.2, regarding not requiring written consent and or notification; citing that removing the need for affected party approvals and notification for new buildings in the Town Centre Zones will streamline decision making process, minimise consenting risk and reduce processing costs/delays.
- 18.2. Submitter 714 (Kopuwai Investments Limited) requests that Rule 12.6.2 be amended to also list licenced premises and the sale and supply of alcohol within the Steamer Wharf Entertainment Precinct as being non-notified.
- 18.3. Submitter 243.6 (Christine Byrch) (opposed by FS1224.6 Matakauri Lodge Limited) requests that Clause 12.6.2.2 be amended such that a breach of the building coverage rule in relation to large developments in the Town Centre Transition subzone and comprehensive development of sites 1800m² or greater should be notified.
- 18.4. Submitter 719.85 (NZTA) requests that Rule 12.6.1 be amended to read:

Applications for Controlled activities shall not require the written consent of other persons and shall not be notified or limited- notified except for 12.6. 1. 1 visitor accommodation adjacent to the State highwav where the road controlling authority shall be deemed an affected party.

- 18.5. In response:
- a. I support retaining the non-notification clause for new buildings as I consider this provides greater efficiencies and certainty in terms of timeframes and costs and provides an appropriate counter balance to the fact the activity status has changed from controlled in the ODP to restricted discretionary in the PDP.
 - b. As a consequence of changing the status of licenced premises after 11.00 pm (6.00 pm) to controlled, such applications will not be notified unless special circumstances exist, pursuant to Rule 12.6.1.

- c. It is inappropriate and unnecessary to have a rule stating that certain activities will always be publicly notified (as requested in respect of developments that breach the building coverage rule, or subject to limited notification (as requested by NZTA in respect of visitor accommodation on state highways).
- d. Regarding whether a breach in building coverage should be non-notified by default or, rather, determined case by case, on the basis of efficiency and certainty and in order to be consistent with the approach taken for the Plan Change 50 area which is regulated by the ODP, I am of the view that the clause regarding non notification for such breaches should be retained.
- e. In relation to the request that NZTA be notified of all visitor accommodation on state highways, I am of the view that while it is inappropriate to deem NZTA an affected party in all instances it is appropriate to exempt NZTA from the non-notification clause where a visitor accommodation application proposes access onto the state highway; thus enabling the Council to deem it to be affected on a case by case basis even in the absence of special circumstances. In reaching this view, I note that the matters of control in relation to visitor accommodation include traffic generation, travel demand management, and the safe and efficient loading of buses and, as such, the Council is able to consider matters that are likely to be of interest to NZTA. While this creates less certainty for visitor accommodation proposals on state highways than under the notified provision, I am of the opinion that this exemption is appropriate given the existing traffic congestion levels in the Town Centre including on those portions of the State Highway that are located within the zone (i.e. Stanley and Shotover Streets); and the traffic generation/ disruption that can result from visitor accommodation, especially if it provides on-site carparking. This change has been made to **Appendix 1** in Rule 12.6.1.1.

Natural Hazards, including flooding

- 18.6. Submitters 663 (IHG Queenstown Ltd and Carter Queenstown Ltd)⁸⁶ and 672 (Watertight Investments Ltd) request that Policy 12.2.2.8 be amended to ensure it only applies to land affected by flood risk, which should be identified in the PDP maps and b) to acknowledge that character values are a consideration in determining the appropriateness of raising floor levels. Further to this, Submitter 663 suggests specific amendments.
- 18.7. In response, identifying the area susceptible to flooding and restricting management to those areas is inappropriate as it is difficult and uncertain to accurately map the area that is susceptible as the extent of future flood events is unknown (and also that, even if a site is beyond but close to the 1/100 year flood area, for example, there may still be benefits in making minor changes to the construction and design (e.g. raising the level of the wiring) in order to mitigate effects should a flood exceed that level in the future. I do not support

⁸⁶ Opposed by FS1139 (Carl & Lorraine Holt) and FS1191 (Adam & Kirsten Zaki).

geographically constraining the application of Policy 12.2.2.8 even though I acknowledge that in reality, this policy will not be applicable to those properties that are well removed from the lake. Rather, I prefer the notified approach of requiring a minimum floor level for all properties (Policy 12.2.2.8 and Rule 12.5.7) and providing scope, through the matters of discretion, to breach this if alternative solutions are promoted that will sufficiently mitigate the risk while avoiding adverse effects on the amenity, accessibility, and safety of the Town Centre.

- 18.8. Although I consider raising floor levels may not always be relevant to maintaining character values I am comfortable adding the words "character values" to Policy 12.2.2.8". This change is made in **Appendix 1**.
- 18.9. Submitter 621.52 (Real Journeys Limited) requests the deletion of the last bullet point of Rule 12.4.6.1 (buildings), which relates to natural hazard assessments being required wherever the GFA is being increased.
- 18.10. In response, I support some amendment to the last bullet point of Rule 12.4.6 (regardless of whether the rule remains restricted discretionary activity or becomes controlled) but I consider it should be more general and not specify that an assessment will always be required. This is due to the fact that:
- a. Council's hazard information (which identifies areas subject to natural hazards) includes hazards which pose a low level of risk and may not warrant an assessment by a suitably qualified person as outlined in the rule.
 - b. The inclusion of information requirements within the matters of discretion is unusual from a drafting perspective.
 - c. Prescribing the need for an assessment for all new buildings or extensions may not be necessary in those areas close to the lakefront where the minimum floor level is being met and there is already considerable information held by the Council in relation to this flood risk.
 - d. By prescribing the need for an assessment by an expert in all instances, the rule is potentially inconsistent with the information requirements section of Chapter 28 of the PDP (Natural Hazards).⁸⁷
 - e. Prescribing the need for an assessment by an expert in all instances will add considerable costs which may not be justified by small building extensions in areas where good information about the hazard already exists or where the risk is very low.

⁸⁷ 28.5 - Information Requirements - Development proposals affected by, or potentially affected by, natural hazards as identified in Council's natural hazards database will require an accompanying assessment of natural hazards effects commensurate to the level of risk posed by the natural hazard. Council holds natural hazard information that has been developed at different scales and this should be taken into account when assessing potential natural hazard risk. It is highly likely that for those hazards that have been identified at a 'district wide' level, further detailed analysis will be required.

- f. The recommended amendments are included in **Appendix 1** and a S32AA assessment is included in **Appendix 4**.

Alignment with the Town Centre Strategy

- 18.11. Submitter 630 (DowntownQT) requests that following the implementation of its Town Centre Strategy, the District Plan be aligned with that strategy.
- 18.12. The DowntownQT website⁸⁸ notes that its strategy will be a living document and will address the look and feel, transport, parking, accessibility, lighting, and future development of the Town Centre and provide guidance on commercial resilience and growth, local relevance, and sector alignment. While its purpose appears to align well with the policy framework of notified chapter 12, as the Strategy is currently in the process of being formulated (i.e. it is currently being consulted on) and will be forever evolving, it is not possible to ensure that the District Plan be aligned with the Strategy. As such, the submission point is recommended to be rejected.

The Appropriateness of Permitted Activities

- 18.13. Submitter 599.11 (Peter Fleming) opposes Rule 12.4.1 which provides for any activity not listed as a permitted use but no reasons are given for this request. In the absence of any supporting evidence, I favour retaining the notified rule as it is consistent with the approach taken throughout the PDP and takes an efficient, forward looking yet effects-based approach, in that a) it avoids listing all permitted activities (e.g. retail); b) accepts that, provided the standards are met and design control/ discretion exercised, then a wide range of uses are appropriate in a mixed use area such as the Town Centre; and that c) there may be activities that wish to locate in the Town Centre in the future that are not yet thought of and hence are not listed in the District Plan but that, provided the standards are met, the risk of them being inappropriate is low.

Submissions on policies unrelated to any of the key issues

- 18.14. Submissions 663.7 (IHG Queenstown Ltd and Carter Queenstown Ltd) (opposed by FS1139.8 (Carl & Lorraine Holt) and FS1191.7 (Adam & Kirsten Zaki)) and 672.7 (Watertight Investments Ltd) request the deletion of Policy 12.2.2.7, which relates to cultural heritage and incorporating reference to tangata whenua values in the design of public spaces. The s 42A report for hearing stream 1A recommended that the relief sought be rejected and I concur with that opinion. I support retaining a policy that acknowledges the importance of considering cultural heritage in the design of public spaces.

88 <http://www.downtownqt.nz/about/#town-centre-strategy>.

General support

- 18.15. Submitter 672 (Watertight Investments) and 663 (IHG Queenstown Ltd and Carter Queenstown Ltd)⁸⁹ requests that all provisions not otherwise submitted on be retained as notified unless they duplicate other provisions in which case they should be deleted. Submitter 212 (E J L Guthrie)⁹⁰ requests that the Queenstown Town Centre provisions, including but not limited to the Zone Purpose and all Objectives, Policies and Rules, be confirmed as notified and Submitter 617 (Tweed Development Limited) requests it be confirmed as notified as it relates to the zoning of Lot 1 DP 20093 and Sections 20 & 21 Block II Town.
- 18.16. Submitter 217 (Jay Berriman) supports the zone purpose although it is unclear whether he supports the geographic extent of the zoning (including the extensions) or the zone as a whole.
- 18.17. In response, those seeking the provisions be confirmed in part or in whole are recommended to be accepted in part; the submission by submitter 617 supporting the zoning of certain sites is recommended to be accepted. Notably, those parts of submissions generally seeking that any duplication be deleted have been accepted and as a result, Policy 12.2.3.1 has been recommended to be deleted and merged into Policy 12.2.3.3 (refer paragraph 12.17 of this report). This is shown in **Appendix 1**.

Possible amendments beyond scope of submissions on the QTTC

- 18.18. For the benefit of the Panel this section considers possible amendments to provisions that would be desirable, either from an effectiveness and efficiency perspective or in order to achieve consistency between the QTTC Zone and other zones. These changes have not been included in Appendices 1 or 4.
- 18.19. I am aware that Dr Chiles expressed a view in the Residential hearing on 10 October 2016 that he does not support the use of no complaints covenants as a tool for managing noise issues as they do not address the noise effects other than potentially providing some forewarning for people purchasing a property. Rule 13.5.7 relating to acoustic insulation includes the following as a matter of discretion:

Whether covenants exist or are being volunteered which limit noise emissions on adjacent sites and/or impose no complaints covenants on the site.

- 18.20. While there are no submissions in relation to this matter, it would be my preference, based on the view of Dr Chiles and my own experience with such covenants, that this matter of discretion be removed.

89 Opposed by FS1139 (Carl & Lorraine Holt) and FS1191 (Adam & Kirsten Zaki)

90 Opposed by FS1117 Remarkables Park Limited) and FS1318 (Imperium Group)

19. CONCLUSION

- 19.1. On the basis of my analysis within this report, I recommend that the changes within the track changed version (Appendix 1) are accepted.
- 19.2. The changes will improve the clarity and administration of the Plan; contribute towards achieving the objectives of the PDP and Strategic Direction goals in an effective and efficient manner and give effect to the purpose and principles of the RMA.

A handwritten signature in black ink, appearing to read 'V Jones', with a horizontal line drawn through the middle of the letters.

Vicki Jones

Consultant Planner

2 November 2016