



**QUEENSTOWN LAKES DISTRICT COUNCIL**

**PLAN CHANGE HEARING COMMITTEE COMPRISING OF:**

David Whitney (Chair)  
Bob Nixon  
Brian Waddell

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**OFFICER'S REPORT FOR  
(PRIVATE) PLAN CHANGE 34:  
REMARKABLES PARK ZONE**

**FOR HEARING COMMENCING:** 29 August 2011

**REPORT DATED:** 16 August 2011

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**FOR AND ON BEHALF OF THE QUEENSTOWN LAKES DISTRICT COUNCIL**

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## **INTRODUCTION**

This report has been written in accordance with Section 42A of the Resource Management Act 1991 (RMA) to consider all submissions and further submissions received following the public notification of Plan Change 34 (PC34) and to make recommendations on those submissions.

As outlined in further detail below, the private Plan Change seeks to make a number of amendments to the operative Remarkables Park Special Zone.

The private Plan Change was first lodged in March 2008 but was placed on hold due to a Council request for further information. In December 2010 the applicant re-lodged an amended Plan Change for processing. This totally replaced the previous version. Accordingly the Council commenced processing of this Plan Change. Given there are a number of other Plan Changes and planning processes occurring in the Frankton area it was considered appropriate present the Plan Change to the Council before further information was received. This was to enable the Plan Change to be considered in the public arena in the context of other planning processes which may or may not affect Plan Change 34.

A summary of Plan Change 34 was presented to the Council's Strategy Committee on 1 February 2011 seeking resolution whether to accept, adopt, reject the Plan Change or to process it as a resource consent. The Strategy Committee resolved to accept the Plan Change for processing. It was notified for submission on 27 April 2011 with submissions closing on 27 May 2011.

The Council requested further information from Remarkables Park Limited on 7 February 2010. On 6 April 2011 Remarkables Park Limited replied stating they did not consider the further information request was necessary. Copies of both of these letters are included as Appendices D and E.

A letter from Remarkables Park Limited dated 11 August 2011 is also included as Appendix F. This clarified two items in relation to what is sought in terms of the PC34 structure plan and the structure plan approved under RM090321, and why the AA4 boundary has moved north of the proposed Eastern Access Road.

Although this report is intended as a stand-alone document, a more in-depth understanding of the Plan Change, the process undertaken, and the issues and options considered can be gained by reading the Section 32 report and associated documentation. These are available on the Council's website: [www.qldc.govt.nz](http://www.qldc.govt.nz).

This report discusses the specific and general points raised by submitters in an effort to assist the Commissioners to reach decisions in respect of each and makes recommendations as to whether these submissions should be accepted (in part or in whole) or rejected.

## **PROPOSED PLAN CHANGE**

The purpose of the Plan Change is as follows:

The proposed Plan Change seeks a number of changes to the existing Remarkables Park Special Zone and to rezone additional land into the Remarkables Park Special Zone. It seeks:

- to update various objectives, policies, rules, and other provisions of the Zone to better reflect the established activities in the Zone, and proposed activities;
- to expand the existing Remarkables Park shopping and commercial centre (Activity Area 5) to introduce additional land for retail activities, including Large Format Retail;
- to change the zoning of a 1.21 hectare parcel of land from the Airport Mixed Used Zone to the Remarkables Park Special Zone (Activity Area 5);
- to change the zoning of a 2.7 hectare (approximately) parcel of land from the Rural General Zone to the Remarkables Park Special Zone for riverside public recreation (Activity Area 2a); and
- to change some of the Zone provisions to have the effect of modifying the activities that can be undertaken in some Activity Areas, the nature and scale and hours of operation of some activities, noise controls, the site and building design provisions, the height of buildings in Activity Area 8, and to update the airport-related controls for the Zone.

The Plan Change is made up of a number of component parts, the following list of proposed changes has been taken from the Section 32 report:

The following abbreviations are used in this report:

AA – Activity Area

AMUZ – Airport Mixed Use Zone

DP – District Plan

RPZ – Remarkables Park Zone

#### **Component [1] – expand Activity Area 5**

- (a) Change **Planning Maps 31, 31a, and 33**, to rezone **CT338091** from the **AMUZ** to the **RPZ**.
- (b) Change the **Remarkables Park Zone Figure 1 – Activity Areas Structure Plan** (the **Structure Plan**). The specific changes are as follows:
  - (i) Change the external boundary of the Structure Plan to reflect the amendment in (a) above;
  - (ii) Include the parcel of land **CT338091** (referred to in (a) above) in **AA5** of the **RPZ**;
  - (iii) Relocate the boundaries between Activity Areas 4, 5, 6 and 8 to expand the area of **AA5** in the area south of Hawthorne Drive and immediately east of the southern leg of **AA8**.
- (c) Change the **Remarkables Park Zone Figure 2 – Airport Measures and Activity Areas** to include **CT338091** (referred to in (a) above) in the shading labelled (in the legend) “**NO RESIDENTIAL, VISITOR ACCOMMODATION OR COMMUNITY ACTIVITIES AREA**”.
- (d) Under Objective 2 of Part 12.10.3 of the DP, change the *Explanation and Principal Reasons for Adoption* for **AA5** to recognise that the commercial /retail centre in **AA5** is existing, and provides for future expansion. The specific changes are:

#### **Activity Area 5 - Commercial/Retail area Centre**

~~Within an area in the northwest part of This mixed use area comprises the established Remarkables Park land is available for commercial/retail centre, which provides for retail and other commercial activities including office and service activities. As the first of the Activity Areas reached when arriving in the Zone by road, a true mixed-use approach is found here, including Activity Area 5 also provides opportunities for education, visitor accommodation, and carefully designed higher density residential activities, and for future expansion of the commercial/retail centre, including for large format retail activities.~~

- (e) Change Part 12.10.3 of the DP to include a new policy (8) under Objective 7 – Future Retail and Related Activities. The new policy is:

**8 To encourage large format retail and supporting activities in Activity Area 5.**

- (f) Under Objective 8 of Part 12.10.3 of the DP, change the last clause of the *Explanation and Principal Reasons for Adoption* to recognise that the commercial/retail centre in AA5 is existing.

## **Component [2] – rezone area of Rural General land to RPZ Activity Area 2a**

The specific changes of PC34 Component [2] are:

- (a) Change **Planning Maps 31, 31a, and 33**, to rezone the land at the eastern end of the RPZ north of the Kawarau River from the **Rural General Zone** to RPZ; This change is shown on the revised Planning Maps, attached;
- (b) Change Figures 1, 2 and 3 of the RPZ to include the land referred to in 3.2.2(a) above within Activity Area 2a.

## **Component [3] Wording Amendments**

- (a) Under Objective 2 of Part 12.10.3 of the DP, change the *Explanation and Principal Reasons for Adoption* for AA3 to:
- (i) recognise that commercial activities and recreational activities are controlled activities in the mix of activities within AA3;
  - (ii) recognise that development in AA3 will link directly and integrate with the riverside facilities in adjacent AA2a for ferry transport; and
  - (iii) recognise education as one of the activities enabled within AA3.

The specific changes are:

### **Activity Area 3 - Riverside Peninsula**

~~The This riverside apartment-development area situated on the river peninsula and adjoining the Riverside Public Recreation Area will enable development for commercial and retail activities, offices, condominiums, visitor facilities and visitor accommodation, church, plaza, restaurants, and cafes, educational, recreational, and riverside facilities (including ferry-based transport). The intention is for the Riverside Peninsula area to develop as a vibrant mixed use precinct that includes pedestrian activities.~~

- (b) Under Objective 7 of Part 12.10.3 of the DP, change Policy 3 to better recognise the mix of uses in AA3 and its commercial/retail role being complementary to that of AA5. The specific changes are:

3 ~~To enable the new commercial/retail centre to function as the focal point for complement a range of nearby activities including community, recreation, education and residential, and the mixed use precinct in Activity Area 3.~~

- (c) Under Part 12.11.1 of the DP (Zone Purpose), in the last paragraph include reference to future commercial development in AA3 (in addition to AA5).
- (d) In Rule 12.11.3.6 (Table 1), change the activity status of Educational Facilities in AA3 from a discretionary activity (“DIS”) to a controlled activity (“CON”).

#### **Component [4] – modifications to RPZ Activity Area 4**

- (a) Under Objective 2 of Part 12.10.3 of the DP, change the *Explanation and Principal Reasons for Adoption* for AA4 to:
  - (i) recognise that AA4 is appropriate for a wider range of residential opportunities and densities than is implied by the term “housing” in the title and text of the clause, and in particular recognise that the area is suitable for student and staff accommodation; and
  - (ii) include health and day care facilities as one of the activities enabled in AA4.

The specific changes are:

##### ***Activity Area 4 - Higher Density Accommodation***

~~A significant proportion of this area is proposed to be devoted to higher density housing visitor and residential accommodation, including student and staff accommodation, educational, health and day care facilities. Such housing Units will maximise views and sun and will be built at relatively high density and will have regard to sunlight access and views.~~

- (b) In Rule 12.11.3.6 (Table 1), change the activity status of Health and/or Day Case Facilities in AA4 from a discretionary activity (“DIS”) to a controlled activity (“CON”).

#### **Component [5] – changes to zone standards for nature and scale of activities and hours of operation**

- (a) Modify zone standard 12.11.5.2(vi) (nature and scale of activities) by deleting the exceptions in the introductory clause of the rule, to enable more flexibility in the mixed-use live-work activities within the RPZ, and to ensure that the standards only apply in the established low density residential precinct in AA1.
- (b) Modify zone standard 12.11.5.2(vii) (hours of operation) for the same reasons as in (a) above.
- (c) In Part 12.10.4 – Environmental Results Anticipated, change the 11<sup>th</sup> bullet point to clarify, as a result of the changes in (a) and (b) above, that the controls relating to scale and nature and hours of operation pertain to AA1 only.

### **Component [6] – changes to enable parking in AA4 and AA8**

- (a) Under Objective 2 of Part 12.10.3 of the DP, in the *Explanation and Principle Reasons for Adoption* for AA8 in the first paragraph add the words “and parking” after the word “infrastructure”.
- (b) In Rule 12.11.3.2(ii), after the words “Day Care Facilities” add the words “Parking Facilities”, and add a new matter of control, as follows:
  - *Landscaping within car parking areas*
- (c) In Rule 12.11.3.6 (Table 1), add a new row titled “Vehicle parking in Activity Areas 4 and 8” and add the controlled activity (“**CON**”) status in the columns for AA4 and AA8.

### **Component [7] – changes to facilitate passenger ferry transport**

- (a) Under Objective 2 of Part 12.10.3 of the DP, change the *Explanation and Principal Reasons for Adoption* for AA2 to recognise that water-based transport includes opportunities for passenger ferries in addition to water taxis.
- (b) Under Objective 2 of Part 12.10.3 of the DP, change the *Explanation and Principal Reasons for Adoption* for AA2 to recognise that there is potential for more than one stopping point for water-based ferry transport.
- (c) Under Objective 5 of Part 12.10.3 of the DP, change clause (b) of the *Implementation Methods* to recognise that there is potential for more than one staging point for water-based transport.

### **Component [8] – changes to airport-related controls in the RPZ**

- (a) In Rule 12.11.5.2(ii), modify the table of maximum building heights as follows:
  - (i) In the first row entitled “*Activity Areas 4, 5 and 6 ...*”, delete the words “except within that area marked “A” on attached Figure 3” and replace with “except as provided in clause (i) below”; and
  - (ii) Delete the second row entitled “*Activity Areas 4, 5 and 6 ...*”.
- (b) In Rule 12.11.5.2(ii)(i), delete “5%” and replace with “10%”, and delete “1:7” and replace with “1:5”.
- (c) Modify Figure 3 – Height Restrictions Plan to reflect the changes in (a) and (b) above.

- (d) In Rule 12.11.3.6 (Table 1), modify the rows entitled “\*Buildings within ...”, “\*Residential, Visitor Accommodation ...”, and “\*Residential Activities, Visitor Accommodation ...” to ensure the descriptions of the coding of areas match the coding and legend on Figure 2 – Airport Measures.
- (e) Change Rule 12.11.5.2(iv) to ensure that the descriptions of coding of areas in the Rule match the coding and legend on Figure 2 – Airport Measures.
- (f) In Assessment Matter 12.11.6(m), change the heading to reflect the changes in (d) and (e) above.

### **Component [9] – changes to noise controls in the RPZ**

- (a) Modify Rule 12.11.5.2(iii) as follows:

***Except:***

*In Activity Areas 2a, 3, 4, 5, 6, and 7, non-residential activities may be conducted within the following noise limits so long as they are not exceeded at any point within the boundary of any other site within Activity Areas 2a, 3, 4, 5, 6, and 7: ...*

### **Component [10] – changes to descriptions of prohibited activities**

- (a) In Rule 12.11.3.6 (Table 1), modify the wording of the row commencing “Panelbeating ...” to clarify the rule, to add the words “bulk” and “processing” in relation to bottle and scrap storage.
- (b) In Rule 12.11.3.6 (Table 1), in the row commencing “Service Activities”, add the words “(unless ancillary to a permitted, controlled or discretionary activity)” to clarify that the activity status does not apply to service activities that are ancillary.

### **Component [11] – changes relating to site and building design within the zone**

The specific changes of PC34 Component [11] are:

- (a) Modify Policy 2 of Objective 4 of Part 12.10.3 of the DP, as follows:

2 ~~To ensure that the provide variety of built form, scale and height within the Zone, built environment reflects the qualities of a mountain village, including pitched roofs and variety in form, scale and height of buildings.~~

- (b) Delete Policy 3 of Objective 4, and renumber the subsequent policies.
- (c) Modify Policy 3 (as renumbered) of Objective 4 as follows:

4.3 ~~To encourage the use of colours and materials which are complementary to the local~~ urban environment.

- (d) In the Implementation Methods for Objective 4, modify clause (ii) (Other Methods) as follows:

~~*A-The Remarkables Park Design Review Board shall be used to evaluate proposals for development exceeding the specified height limits (site standard) against the relevant assessment criteria, prior to lodgement of a resource consent application. The structure and protocol of the this Review Board will be determined by the Board. Liaison with the Design-Review Board is encouraged early in the design process.*~~

*The Remarkables Park Design Review Board shall consider any other proposal for a development in the Remarkables Park Zone if requested by the applicant or if otherwise deemed necessary.*

*The Remarkables Park Design Review Board shall be established by the Council and shall consist of a panel of four independent members, agreed to by the Council and Remarkables Park Limited. Two members are to be appointed by the Council and two members are to be appointed by Remarkables Park Limited. This panel may include the following independent experts: architect; urban designer; resource management planner; landscape architect; developer. The reasonable costs of the Design Review Board shall be met by the applicant.*

- (e) Modify Policy 2 of Objective 7 as follows:

2 ~~*To enable a consolidated medium density commercial/retail centre that can incorporate*~~ open space, shops opening onto streets, *lanes and plazas,* ~~*and higher density residential and visitor accommodation, and a consolidated urban form which increases the potential for multi purpose trips.*~~

- (f) Modify Policy 5 of Objective 7 as follows:

5 ~~*To enable a built form which reflects and is sympathetic-complementary to , and has regard to views of, the surrounding alpine landforms., lakes and views of both.*~~

- (g) Modify Policy 5 of Objective 8 as follows:

5 ~~*To ensure landscaping gives-contributes to a distinct village-town identity, and promotes the image of a consolidated commercial centre but does not destroy* *has regard to important viewshafts. from the centre.*~~

- (h) In Site Standard 12.11.5.1(iii), modify the last clause by deleting the last two sentences (relating to the Remarkables Park Design Review Board) and insert a cross reference to the Implementation Methods for Objective 4.

- (i) In Part 12.11.6(b) (Assessment Matters – Private Open Space), modify the first bullet point as follows:

- *Private open space for residential units is clearly defined for private use.*

- (j) In Part 12.11.6(b) (Assessment Matters – Private Open Space), Modify the last clause by adding at the end of the clause: "or by student accommodation providing communal outdoor space."

- (k) Modify Part 12.11.6(d) (Assessment Matters – Building Design and Appearance) as follows:

**d Building Design and Appearance**

- ~~*That the architectural style and building forms shall be evocative of a mountain region, building forms shall be*~~ *are sympathetic complementary to the mountain alpine setting and local context.*

- ~~That the relationships between building forms has—have been considered with a village-like quality regard to the purpose of the Activity Area. the character and scale to be achieved.~~
- ~~That clusters and groupings of buildings are designed to fit the form and contour of the land.~~
- ~~That orientation of buildings optimises—has regard to views, and—sun exposure and orientation to open space.~~
- ~~That buildings are an integral part of the landscape.~~
- ~~Building facades shall help define and give character to open spaces, squares, streets, paths and parks.~~
- ~~That building materials are appropriate to the area and have an appropriate alpine character which has local application—local context including the purpose of the Activity Area.~~
- ~~Roof colours and materials are such as to not result in an obtrusive impact when viewed from above.~~
- ~~That sloping roofs are strongly encouraged where appropriate for variety and for their visual character, taking into account the purpose of the Activity Area, and to enhance snow removal and for their visual character.~~

### **Component [12] – height of buildings in AA8**

The specific changes of PC34 Component [12] are:

- (a) In Site Standard 12.11.5.1(iii) (building height), add a new bullet point as follows:
- Activity Area 8 9m
- (a) In Zone Standard 12.11.5.2(ii) (building height), in the row labelled “Activity Area 8”, delete “7m” and replace with “18m”.

### **Component [13] – miscellaneous other changes to the RPZ provisions**

The specific changes of PC34 Component [13] are:

- (a) Change Figure 1 – Activity Areas Structure Plan (with consequential changes to Figures 2 and 3) as follows:
- (i) Change the northern boundary of the RPZ to reflect ownership changes between the applicant and the QAC. The modification concerns 1.4 hectares.
  - (ii) Relocate the boundary between AA6 and AA8 north by 20 metres, due to the realignment of the (unformed) Eastern Access Road 20 metres south (as approved by resolution of the Council, 25 August 2009).
  - (iii) Other modifications to reflect the roading layout consented by RM090321.

(b) Changes as follows:

**Part 12.10.3, Objective 2** In the *Explanation and Principal Reasons for Adoption* section, second paragraph, the words “*second home owners*” are added because there is already a large number of holiday homes in AA1.

**Various places** In relation to the commercial/retail centre, the word “new” is removed because the centre in AA5 now exists

**Part 12.10.4** The words “commercial/retail” is added in relation to the “centre”, to clarify that the centre refers to the existing centre in AA5.

**Rule 12.11.3.2(i)** In the 4<sup>th</sup> bullet point, the heights are modified to ensure consistency with the specified and maximum heights set out in the specific site and zone standards (respectively) for building height.

**Rule 12.11.3.6 (Table 1)** In the row “Health/Day Care Facilities”, insert “and/or” between “Health” and “Day” to clarify that the two activities can be dealt with separately.

**Rule 12.11.5.1(iii)** Delete this rule (relating to lift towers) because it is inconsistent with Rule 12.11.5.2(ii)(iii). There is no resource management reason why only visitor accommodation facilities should have an additional assessment for a lift tower that exceeds the maximum height.

**Rule 12.11.5.2(x)** There is no resource management reason why domestic pets cannot be kept in the activity areas that promote residential activities.

**Part 12.11.6(a)** Fifth bullet point – modifications to ensure consistency with the equivalent rules for height of buildings.

(c) In Parts 12.10 and 12.11 of the Plan, make various changes, as set out in the tracked change version of the provisions, to clarify, update, correct and/or remove ambiguity from the relevant clause and/or to ensure consistency with other clauses. The specific modifications are discussed in detail in the Section 32 evaluation.

## **Submissions received and the issues raised**

A total of 27 original submissions and 5 further submissions were received. Appendix B contains a summary of the decisions requested, including the further submissions received.

## **Late submissions**

There were no late submissions

## **REPORT FORMAT**

The Resource Management Act (the Act), as amended in October 2009 no longer requires the report to address each submission point but, instead, requires a summary of the issues raised in submission. Specifically, the Act states:

*“To avoid doubt, the local authority is not required to give a decision that addresses each submission individually”*

The Act now requires that the submissions are addressed by grouping them according to the provisions of the proposed plan to which they relate or the matters to which they relate. As a result, the individual submission points are not specifically addressed in the following report but, rather, the issues raised are considered. As outlined above, a full list of the submitters, and further submitters, to the Plan Change is provided in Appendix C. In order to get a more complete understanding of the issues raised, the main body of this report considers the various submissions in accordance with the components of the Plan Change.

For each issue the report is structured as follows:

- Submission Points – general summary of the main points raised in the submissions.
- Discussion – the reporting planner’s consideration of the submission points for this issue.
- Recommendation – the recommended approach to responding to the issue.
- Reasons for the recommendation – the reason why the recommended approach is considered appropriate in relation to the Resource Management Act (RMA).

## DISCUSSION OF THE ISSUES RAISED BY SUBMITTERS

### Issue 1 – Component 1: Expansion of Activity Area 5

**Queenstown Airport Corporation Limited (QAC)** seek that lots 1 and 33 be excluded from the Plan Change or that the Plan Change is rejected.

**Queenstown Central Limited** and **Penelope Young** support this submission.

**Shotover Park Limited** oppose this submission stating there is no resource management basis for opposing “any changes” to AA8. The height limits proposed are consistent with the height of buildings within the Airport designation. The issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Special zone.

**Queenstown Lakes District Council (QLDC)** submits that the Remarkables Park Special Zone be removed from CT338091 or demonstrate that any development can connect (by pedestrians) in a cohesive manner.

**Queenstown Airport Corporation Limited** support this submission for the reasons stated in the QLDC submission. The proposed zoning lacks justification and will create a retail area out of context with the remainder of the zone. The land was formerly owned by QAC and is subject to a restrictive covenant for the benefit of the QAC that restricts its use to recreational, rural or utilities use, in recognition of the fact that the land is surrounded by airport operational land. Rezoning this land to RPZ would be inconsistent with this covenant and therefore inappropriate.

**Penelope Young** supports this submission

**Shotover Park Limited** opposes this submission and state that the issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.

**Sebastian Smith** supports the provisions of the Plan Change with regard to the expansion of Activity Area 5.

**Queenstown Lakes District Council** submits that the decision relating to Large Format Retail is made with the knowledge of the wider context in Frankton.

**Penelope Young** supports this submission

**Shotover Park Limited** opposes this submission and state the issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.

**Jeff Aldridge** supports the rezoning of the Airport Mixed Use Zone land to provide consistency of zoning and to addresses inconsistencies between objectives, policies and activities.

**Savanna Group Limited** support the Plan Change in its entirety and support the expansion of Activity Area 5.

### Discussion

*Expansion of Activity Area 5 (Remarkables Park Zone) into the Airport Mixed Use Zone:*

Activity Area 5 provides for the primary commercial/retail area within the zone. Objective 2 (Explanation and Principal Reasons for Adoption) contains the following description of this area:

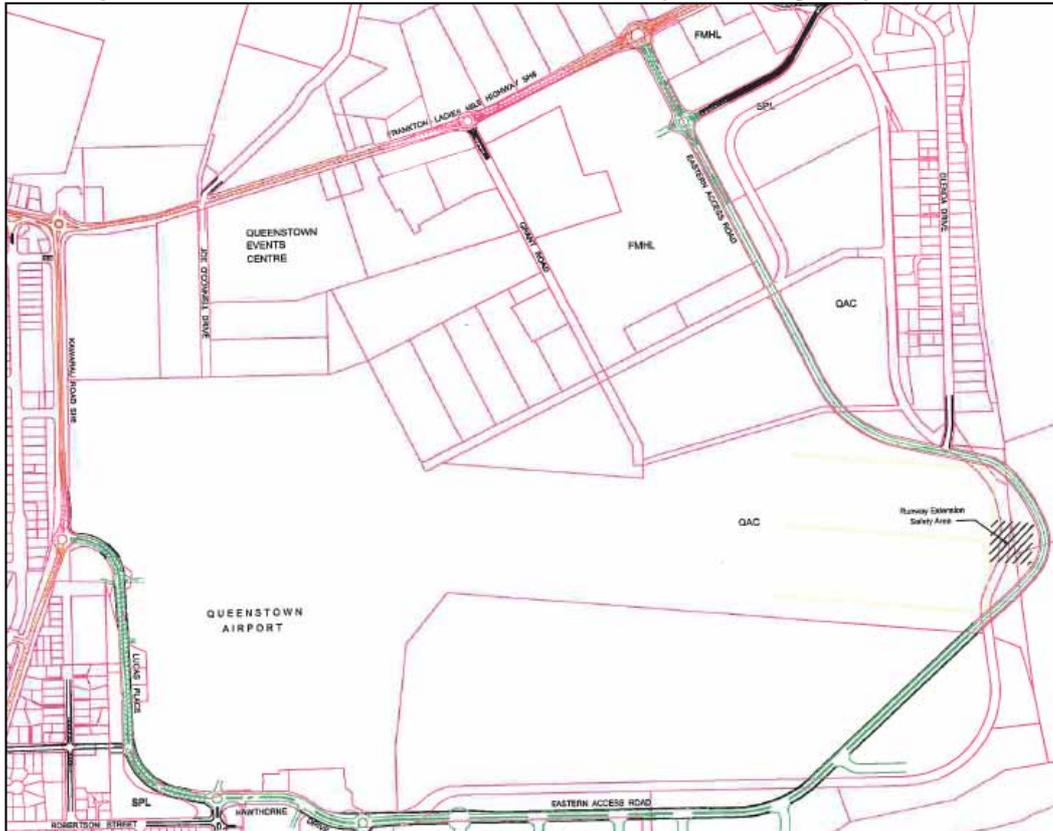
*Within an area of the northwest part of the Remarkables Park, land is available for future retail and other commercial activities including office and service activities. As the first of the Activities reached when arriving into the Zone by road, a true mixed-use approach is found here, including opportunities for education, visitor accommodation and carefully designed higher density residential activities.*

At present all development that is part of the Remarkables Park Special Zone when arriving from the west is on the southern side of road. Activity Area 5 is accessed from Hawthorne Drive adjacent to New World, and all other retail and commercial activities are accessed from this road. The only traffic that continues along Hawthorne Drive (including the unsealed portion) is that which services the Remarkables Park Stud Farm and vehicles parking and shopping at the Remarkables Market which is usually open in summer on Saturdays.

The left hand (northern) side of the road is a mix of Airport related activities, including hangers and aeronautical businesses; these are all accessed from Tex Smith Lane. The underlying zoning is Airport Mixed Use Zone, and only activities that are connected to or support Airport activities are anticipated within this zone. The applicant has not provided any evidence that there is no demand for Airport Mixed Use zoned land – the parking of large numbers of rental cars on this area of land suggests it is in use and in demand for airport related activities. Land available within the Airport Mixed Use zone is relatively scarce, and other recent resource consent application for car yards and other airport non-related activities could see this reduced even further if approved.

The Plan Change seeks to rezone an area Airport Mixed Use Zone to Remarkables Park Zone and to enable retail and commercial activities as anticipated within Activity Area 5. There is no analysis within the Plan Change to show how this addition to the activity area will support or align with the existing and proposed development on the southern side of Hawthorne Drive. Hawthorne Drive is a wide road which will form part of the proposed Eastern Access Road that goes around the eastern end of the airport runway and links to State Highway 6 via a new roundabout near the Shotover Garden Centre. The approximate location of the Eastern Access road, and its integral role in opening up the Frankton Flats for development, can be seen in Figure 1 below:

**Figure 1: Proposed location of the Eastern Access Road (shown in green)**



Therefore Hawthorne Drive which adjoins the area proposed for rezoning, once the Eastern Access Road is constructed, will have a higher volume of traffic than the existing high levels of traffic servicing the existing shopping centre. The legal width of Hawthorne Drive has been designed to accommodate these high traffic volumes, being approximately 27 metres wide.

Rezoning this area AA5 would create an 'island' of commercial activity separated from the remainder of the Remarkables Park Shopping Centre. This is considered undesirable because:

1. It would encourage shoppers to drive from the rezoned part of AA5 to the main part of the shopping centre, increasing traffic which is 'cutting across' Hawthorne Drive / the future Eastern Access Road. Splitting Activity Area 5 with the Eastern Access Road makes it more difficult for shoppers to link journeys within the shopping centre.
2. Pedestrians are forced to cross the busy future Eastern Access Road near the intersection with the existing shopping centre, which will disrupt the flow of traffic on Hawthorne Drive / the future Eastern Access Road;
3. Making pedestrians cross the busy Eastern Access Road potentially raises health and safety issues;

The applicant has not provided any evidence of the roading or pedestrian structure that would be employed to facilitate good movements between the parts of the AA5 separated by the future Eastern Access Road. Despite concluding that *"the proposed pedestrian network will provide good connectivity both within the RPZ and also to areas surrounding the RPZ"*, the Transportation Assessment Report provided by the applicant fails to consider the issue of shoppers potentially attempting to cross a busy road and whether this is the sort of outcome that best promotes the purpose of the Act.

The present categories for buildings and activities to be either permitted or controlled activities do not give Council enough scope to require high quality development, connections and urban design. Subdivision is a controlled activity within the zone and usually a good opportunity for a comprehensive analysis of the pattern of development, roading structure and connections with a development. In the case of the Remarkables Park Zone much of the development undertaken was via landuse consents (buildings as controlled activities) and commercial activities being permitted. There has been no opportunity to look at development within an activity area in a comprehensive manner.

In contrast, most if not all other special zones in greenfield locations within the District require an Outline Development Plan process or similar. This enables the Council to consider how buildings and public space work together, even if the land is not subdivided. An outline development plan process enables a more strategic view of the development and can assist in streamlining subsequent consents for buildings because aspects such as site access, public and private areas, pedestrian access ways and carparking areas have already been assessed.

The current structure of a controlled activity consent requirement for buildings within the Activity Area 5 zone expansion area (into land zoned Airport Mixed Use Zone) does not allow for sufficient analysis; it also does not allow inappropriate development to be declined. Accordingly unless the applicant can present a more robust way of accessing development within the area, and demonstrate that the land is not required for airport related uses, I believe this expansion should be declined. The purpose of the Act is better achieved by having all of Activity Area 5 on the southern side of the Eastern Access Road and by keeping the land available for airport related activities.

#### *Expansion to the East:*

The Proposed Plan Change seeks to enlarge this area to the east (on land presently zoned Activity Areas 4 and 6), this will allow the provision of approximately 30,000 m<sup>2</sup> of additional gross floor area (GFA) comprising around 9000m<sup>2</sup> GFA for small format retail and food and beverage uses, and around 21,000m<sup>2</sup> GFA for Large Format Retail Activities.

As the report entitled *Queenstown Catchment Assessment of Retail and Service Growth* report by Market Economics shows there is a need for future provisions of Large Format Retail activities that is not being met in existing zones. There is also a desire by landowners to provide for this growth within either existing or proposed zonings.

Plan Change 19 (Frankton Flats B) zone is presently under appeal by a number of submitters. The Plan Change sought to provide a mixed use zoning on the northern side of the runway (in between the runway and State Highway 6) on what is seen as the last green fields site within the Urban Growth Boundary (the Shotover River). Plan Change 19 was notified on 4 July 2007 and the original submissions were not as strong as the evidence provided by witnesses to the Environment Court regarding the need to provide for Large Format Retail Activities. A number of submitters contested that Large Format Retail should be provided for within the Proposed Plan Change 34 area (subject of this Plan Change) as opposed to on the Plan Change 19 land (this was the case for Pak'nSave who still have a resource consent for a Pak'nSave supermarket within Activity Area 8 of the Remarkables Park Zone, this consent is on hold due to the need for further information and has been on hold for a number of years). Foodstuffs South Island Ltd have subsequently applied for resource consent for a Pak'nSave and an associated petrol station on land within the Plan Change 19 area and now support Plan Change 19 providing for these uses.

There is a real desire for landowners on the north and south of the Airport Runway to develop land to accommodate Large Format Retail activities. This is reflected in the appeals to Plan Change 19 and the promotion of this Plan Change (Plan Change 34).

It is accepted that Large Format Retail activities are now a landuse that need to be provided for (such as business or residential zoning). Society has made a shift and would like the choice as to shopping at small town centre types stores or department stores to a desire to be able to undertake comparison shopping at retailers who specialise in a wide range of goods (such as Noel Leeming and Harvey Norman). However the development of areas for this purpose needs to be managed through the District Plan to ensure a high quality of built development (the look of large buildings) as well as how a shopping centre works to facilitate a good shopping experience for customers. This includes the relationship to the large carpark areas “required” by these activities.

Under the present provisions buildings are a controlled activity (within Activity Area 5) and commercial activities are permitted (provided they meet site and zone standards). Car parking is normally assessed as part of the commercial activity and is not an activity within its own right (though this is proposed to be amended by this Plan Change – component [6]). Given that the existing shopping centre area and the proposed area of Activity Area 5 will be separated by Activity Area 8 (where only limited activities such as car parking and landscaping can occur) there is a potential for there to be a disconnect between the two parts of the ‘U shaped’ Activity Area 5. Accordingly care must be taken to ensure that the two areas are not just joined via a large void of car parking area – creating a sterile and uninviting environment.

The purpose of the Plan Change is to provide for additional land to undertake Large Format Retail Activities. Given that the Remarkables Park Zone already provides for these type of activities in an established area it is appropriate that additional zoning is grouped adjacent to this area. As the Frankton area now has operative zones at Frankton Flats A, a proposed zone (under Environment Court appeal) at Frankton Flats B, and the operative Remarkables Park Zone, it makes sense to build on these areas as opposed to creating new areas to service this need.

### Recommendations

The submissions made by Queenstown Airport Corporation, Queenstown Lakes District Council, and supported by Queenstown Central, Queenstown Airport Corporation and Penelope Young are accepted and the further submissions by Shotover Park and Sebastian Smith are rejected in part.

Recommend that the additional zoning of Activity Area 5 (from Airport Mixed Use Zone to Remarkables Park Zone) is rejected.

Recommend that the additional zoning of Activity Area 5 (over Activity Areas 4 and 6) to provide for Large Format Retail Activities but require buildings to be a Limited Discretionary Activity (as opposed to controlled activity). Define a list of areas of discretion to control the development of the area and applications to be tested adequately through the resource consent process:

- ***Matters of discretion (Buildings):***
- *External appearance of buildings*
- *Relationship of buildings to roads and pedestrian walkways*
- *Relation to internal boundaries*
- *Effect on landscape and visual amenity values and view corridors;*
- *Vehicle access*

- *Outdoor living space for residential activities*
- *Street scene including landscaping*
- *Adequacy for pedestrian and access linkages*
- *The location, layout, landscaping of, and access to off-street car parks*
- *Solar orientation and prevailing winds*
- *Design and construction of buildings locating within the grey shaded or grey hatched areas on Figure 2 to achieve insulation from aircraft noise*
- *The scale and nature of earthworks and the disposal of excess material;*
- *Loading and storage areas*
- *Servicing of water for the development.*

An alternative option would be for the inclusion of an Outline Development Process within the District Plan provisions for any additional development of Activity Area 5.

#### Reasons for the recommendations

It is appropriate to provide additional zoning for Large Format Retail Activities to occur adjacent and as part of an existing zoned retail area that already provides for this activity. The expansion of Activity Area 5 to the east is appropriate providing additional controls are provided for within the District Plan to require quality development.

The expansion of the Remarkables Park Zone (Activity Area 5) into land zoned as Airport Mixed Use Zone will not result in an efficient use of land. It will create an island of retail activities within a zone designed to provide for Airport and related activities and create adverse effects on the Eastern Access Road and in terms of pedestrian linkages.

## **Issue 2 – Component 2: Rezone area of Rural General land to RPZ Activity Area 2a**

**Sebastian Smith** submits in support of the Plan Change provisions seeking the expansion of the AA2a zoning.

**Queenstown Lakes District Council** submits that the zoning should be totally removed from AA2a so it is consistent with other unformed roads in the District Plan, or leave the underlying zoning as Rural General.

**Penelope Young** supports this submission

**Shotover Park Limited** opposes this submission and states that the issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.

**Ralph Hanan** submits that for consistency and for future recreation use it is essential that the 2.7ha (Activity Area 2a) be integrated with the Remarkables Park Zone along the river.

**Queenstown Lakes District Council** submits that a more detailed analysis of the effects of the development on the Kawarau River is required

**Penelope Young** supports this submission and notes that there is an old tip site and contaminated land in the area.

**Shotover Park Limited** submits in opposition that the issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.

### Discussion

The applicant seeks to Change Planning Maps 31, 31a, and 33, to rezone the land at the eastern end of the RPZ north of the Kawarau River from the Rural General Zone to RPZ Activity Area 2a.

Some confusion exists in relation to this area of land, due to a situation when a Clause 20A amendment was issued and later rescinded, as described below.

On 14 September 2009, the QLDC issued pursuant to the First Schedule, a Clause 20A to correct what it considered to be a minor error in the District Plan, which saw legal road zoned as RPZ Activity Area 2. This was issued because unformed legal roads are not normally zoned under the Queenstown Lakes District Plan. The change that was implemented through the Clause 20A process can be seen in Figures 1 and 2 below:

**Figure 1:  
Zoning Prior to 14 September 2009 Clause 20A**



 Unformed Road

**Figure 2:  
Zoning following 14 September 2009 Clause 20A**



On 16 May 2011, a further Clause 20A was issued to put the zoning back on the legal road, following a complaint from the applicant and legal advice from the Council's solicitors. The zoning was put back on as shown in Figure 3 below, which is taken from the Operative District Plan maps.

As Figure 3 shows, when the zoning was put back on, an error occurred whereby the entire stretch of legal road was shaded as RPZ, rather than being spilt zoned RPZ and Rural General, as appears in Figure 1 above. The area in question is circled in red below.

**Figure 3: Zoning following 16 May 2011 Clause 20A**



The request by the applicant seeks that the zoning be shown as it currently appears in the operative planning maps, that is, as it is shown in Figure 3 above. However as noted, the current operative planning map contains an error, and the actual zoning should be as shown in Figure 1 above.

The applicant seeks that the area circled red in Figure 3 above (and as shown as Rural General in Figure 1) be rezoned from Rural General to RPZ Activity Area 2a. The District

Plan identifies Activity Area 2a as being land owned by the Council for Riverside Public Recreation.

The area in question adjoins the Kawarau River, and raises several section 6 'matters of national importance' under the RMA. All persons exercising powers and functions under the RMA shall recognise and provide for the following matters:

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development*
- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers*

It is noted that the Section 32 assessment provided by the application considered two options:

1. Retaining the status quo (the Rural General zoning) or
2. Activity Area 2a.

The submission of the Queenstown Lakes District Council identifies a third option that was not considered in the Section 32 assessment, which is that the legal road remain unzoned like other roads in the Queenstown Lakes District. As noted previously, the normal approach under the Queenstown Lakes District Plan is that legal roads are not zoned. Should the road ever be stopped, a detailed process is undertaken at that time in order to determine the new zoning of the stopped road.

The question effectively becomes which of the three options best achieves the various requirements of section 6 of the Act. The table below illustrates how proposals for common applications would be treated / assessed:

	<b>Option 1</b> <b>Retain existing Rural General Zoning</b>	<b>Option 2</b> <b>Proposed Activity Area 2a Remarkables Park Zoning</b>	<b>Option 3</b> <b>Change to be shown as unzoned legal road</b>
<b>Buildings</b>	Discretionary	Controlled	No resource consent required but Council permission required as landowner
<b>Commercial activities</b>	Non-complying	Discretionary	No resource consent required but Council permission required as landowner
<b>Commercial recreational activities</b>	Permitted in groups less than 5, otherwise discretionary	Controlled	No resource consent required but Council permission required as landowner
<b>Jetties / wharves etc</b>	Discretionary	Controlled	No resource consent required but Council permission required as landowner
<b>Earthworks</b>	Permitted, controlled or discretionary depending on volume and area	Restricted Discretionary	No resource consent required but Council permission required as landowner

As the table above shows, changing the zoning to Activity Area 2a would mean less control over buildings, commercial activities, commercial recreational activities, and jetties / wharves than currently exists.

Under the existing Rural General zoning, all of these matters could potentially be refused consent if the circumstances required it. However under the proposed Activity Area 2A zoning, buildings, jetties / wharves and commercial recreational activities could not be refused by the Council.

Zoning the area Activity Area 2a is not considered to be consistent with Objective 3 for the RPZ, which relates to Open Space, Conservation and River Access. This objective states:

***Protection of areas of important vegetation, and land form in close proximity to the river from development.***

While it is recognised that the majority of the Kowarau River margin is already zoned Activity Area 2a, the controlled activity status for buildings in AA2a does not 'protect land form in close proximity to the river from development' as required by Objective 3, rather it enables such development.

When determining what is the best approach for managing this important piece of land, it is considered that the "natural character" of the river and its margins is generally best "preserved" (as required as a matter of national importance) by avoiding buildings and structures on the land in question. Careful control over the placement of buildings and structures is required in order to ensure the 'preservation of the natural character of the Kowarau River and its margins from inappropriate subdivision, use and development' (Section 6(a)). The proposed controlled activity status for buildings and jetties / wharves is not considered sufficient. No structure could actually be refused, and the purpose of the Act, and a matter of national importance, would not be achieved.

Furthermore a controlled activity status would not allow the issue of cumulative effects to be addressed, i.e. should one jetty be approved, a second application for a jetty could soon be lodged, and it too would be a controlled activity, meaning it could not be refused consent even if the natural character of the river would then be compromised by a second structure. The purpose of the Act, and a matter of national importance, would not be achieved.

While in some instances a structure such as a jetty will facilitate public access to and along the river, which is also a matter of national importance under Section 6(d), these could still be assessed on a case by case basis under the Rural General zoning as a discretionary activity, and if appropriately designed and located, they would likely be approved. The discretionary activity status for new structures under the Rural General zoning is not considered to be a major impediment to development, but rather provides the territorial authority with the ability to decline inappropriate development.

A third option, which is to show the area as unzoned legal road, would address the concern raised in the applicants Section 32 report relating to efficiency. It is stated that "*it will be more efficient if the whole escarpment area is contained in one zone and is dealt with comprehensively under one set off objectives, policies, rules and methods*". While the unzoned legal road classification is not a zone as such, the whole area would be treated the same in accordance with Council standards for unformed legal roads. This would ensure consistent treatment of the land and consistent treatment of how unformed legal roads are shown in the District Plan.

It would also address the applicants concern about the existing split zoning causing "*costs in terms of approvals required for promoting positive outcomes for the land, including provision of walkways and landscaping*" because as the applicant notes, "*any works within*

*the escarpment area would, in any case, require prior approval of the Council, due to the status of the land as unformed legal road". Changing it to unzoned legal road would be more efficient because once the landowners permission is obtained, no further resource consent would be required.*

Overall, while it is recognised that the majority of the river margin is already zoned Activity Area 2a, there is a clear disconnect between Objective 3 of the zone provisions which seeks to protect land form in close proximity to the river from development, and the controlled activity status of buildings which enables such development. While the Council's permission is ultimately required as landowner (because it is all legal road) it is felt that the purpose of the Act is best achieved by retaining the existing Rural General zoning.

### Recommendations

That the submission of **Sebastian Smith** be rejected, and the submissions of the **Queenstown Lakes District Council** be accepted in part to the extent that the area is recommended to remain zoned as Rural General .

That the further submission of **Penelope Young** be accepted in part, and the further submission of **Shotover Park Limited** be rejected to the extent that it is relevant.

### Reasons for the recommendations

Retaining the Rural General zoning better achieves the purpose of the Act and the section 6 matters of national importance that are applicable to this piece of land. The Activity Area 2a classification does not allow sufficient control over buildings on a river margin.

### Issue 3 – Component 3: Modifications to Activity Area 3

**Queenstown Lakes District Council** submits that educational facilities should be a restricted discretionary activity in AA3 with discretion restricted to matters such as design and appearance, parking and loading, landscaping, connections to surrounding development etc.

**Penelope Young** supports this submission

**Shotover Park Limited** opposes this submission stating that the issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.

#### Discussion

Under the Operative District Plan provisions, educational facilities within AA3 are currently a discretionary activity. The application seeks that this be changed to a controlled activity status. Other minor changes to the provisions relating to AA3 to reflect this change are also proposed.

The submission of the Queenstown Lakes District Council seeks that the existing discretionary activity status be changed to restricted discretionary, with Council's discretion restricted to matters such as design and appearance, parking and loading, landscaping, connections to surrounding development etc.

The Section 32 report accompanying the application states that (underlining added):

*“the proposed controlled activity status, along with the relevant assessment matters (including those to be introduced into the zone as part of Component [5] of PC34), are adequate for ensuring that educational facilities will be appropriate in the zone and will ensure that any adverse effects on the environment can be properly avoided or mitigated, by way of conditions of consent”.*

The reference by the applicant to introduction of new assessment matters as part of Component [5] appears to be incorrect as no new assessment matters are introduced as part of Component [5]. Component [5] is in fact a proposal to delete the zone standard controls on the nature and scale of non-residential activities, and to delete the zone standard controls on the hours of operation for non-residential activities, in all Activity Areas except AA1. Component [5] therefore actually proposes to significantly reduce the degree of control that the Council would have over non-residential activities such as educational facilities, and cannot be relied upon to manage activities as the application suggests. No new assessment matters are proposed as part of Component [5].

It must be noted that the existing operative RPZ provisions already provide for educational facilities as a controlled activity in Activity Areas 4, 5 and 6, which comprises the majority of the land south of the proposed Eastern Access Road. Under consent RM090321 which shows the existing operative Activity Area boundaries, this means that some 44.3 hectares of the RPZ already provides for educational facilities as a controlled activity.

When looking at how educational facilities are provided for within the RPZ as a whole, it appears that the current controlled activity status of educational facilities provides more encouragement for them in those Activity Areas that are not in close proximity to the Kawarau River. This would make sense, in that for the land with the highest amenity values adjoining the Kawarau River in Activity Area 3 provides a controlled activity status for activities such as visitor accommodation, residential activity, commercial recreational

activity, and commercial activity. These are all activities that can benefit from the high level of amenity provided by the river setting, compared to teaching space within educational facilities which is typically more 'inward facing' in that views and access to daylight are not as critical as for other activities such as residential activity and visitor accommodation. While there is no reason why a classroom or laboratory should not have a great view, it is considered less important than for other land uses such as visitor accommodation and residential.

Given the extremely large area of the RPZ (44 hectares) that already provides for educational activities as a controlled activity, being all of Activity Areas 4, 5 and 6, it is difficult to understand why a controlled activity status is required on a further 10 hectares of land that has particularly high amenity values adjoining the Kawarau River, and which is better suited to the activities already enabled as controlled activities in AA3.

The applicants statement below is acknowledged:

*"the existing discretionary activity status, while not inherently disabling, does not provide sufficient certainty; consent applications can be refused".*

It is agreed that the discretionary activity status is not disabling, indeed it is a common activity status used for activities anticipated within a zone, but which may not be appropriate on every single site within that zone, or for every single design proposed. While the RMA specifically anticipates that a discretionary activity consent can be refused, an applicant need not fear refusal under a discretionary activity status if they have a quality proposal on a suitable site.

If educational activities were to be given a controlled activity status, the problem that often arises is that a stalemate situation develops, whereby the applicant simply seeks that their proposal be rubber stamped 'because it's a controlled activity and has to be granted', whereas the Council may want to exercise control and seek changes to the application. Seeking to redesign buildings via conditions on a controlled activity consent can be extremely problematic and inefficient. A discretionary or restricted discretionary activity status avoids this stalemate situation, and as noted earlier, still indicates that the particular activity is anticipated in the relevant zone.

It is therefore felt that sufficient land and certainty regarding educational facilities is already available through the controlled activity status for education facilities in AA4, AA5, and AA6, and that the purpose of the Act would be better achieved with a form of discretionary activity status in AA3. This also indicates that AA3 is best developed for the controlled activities already identified in that Activity Area, being such as visitor accommodation, residential activity, commercial recreational activity, and commercial activity. These are all activities that can benefit from the high level of amenity provided by the river setting.

In terms of whether the existing discretionary activity status, or whether the restricted discretionary activity status sought by Queenstown Lakes District Council is better, it is felt that a restricted discretionary activity status would go some way to meeting the applicants concerns, whilst still giving the Council the ability to refuse inappropriate development.

### Recommendations

That the submission of the **Queenstown Lakes District Council**, and the further submission in support by **Penelope Young**, be accepted.

That the further submission of **Shotover Park Limited**, to the degree that it is relevant in that the proposal *is* to change the mix of activities enabled in the RPZ, be rejected.

### Reasons for the recommendations

Over 44 hectares of the Remarkables Park Special Zone already provides for educational facilities as a controlled activity. Activity Area 3 adjoins the Kawarau River which provides an extremely high level of amenity for other controlled activities enabled in that Activity Area, such as residential activity and visitor accommodation. A restricted discretionary activity status would go some way to meeting the applicants desire for certainty whilst giving the Council the ability to refuse inappropriate development and avoid stalemates over controlled activity consent applications.

## Issue 4 – Component 4: Modifications to RPZ Activity Area 4

**Queenstown Airport Corporation** seek that health and/or day-care facilities remain a discretionary activity in Activity Area 4. Activity Area 4 is within the Outer Control boundary (OCB) promoted through Plan Change 35 (Queenstown Airport Air Noise Boundaries). Day care and health care facilities located in close proximity to an airport have the potential to give rise to issues of reverse sensitivity. QAC considers QLDC should retain the ability to refuse such activities if an assessment determines they could adversely affect future airport operations.

### Discussion

The applicant proposes to change the status of health and day care facilities from discretionary to controlled in Activity Area 4. At present, health and day care facilities are already provided for as a controlled activity in Activity Area 6, and as a discretionary activity in Activity Areas 3, 4, 5 and 7.

The Section 32 assessment states that *“the explanation and principal reasons for adoption for Objective 2 and related policies recognise that educational and health and day care facilities are suitable in the mix of activities in AA4”*. It is not clear where exactly the applicant found justification in the explanation and principal reasons for adoption for Objective 2 and related policies, because health and day care facilities do not appear to be mentioned in this section of the District Plan.

The applicants statement below is acknowledged:

*“the existing discretionary activity status, while not inherently disabling, does not provide sufficient certainty; consent applications can be refused”*.

It is agreed that the discretionary activity status is not disabling, indeed it is a common activity status used for activities anticipated within a zone, but which may not be appropriate on every single site within that zone, or for every single design proposed.

There is no evidence that resource consent applications for health and day care facilities in Activity Area 4 are being declined unnecessarily.

### Recommendation

That the submission of Queenstown Airport Corporation be accepted.

### Reasons for recommendation

The discretionary activity status is not disabling and health and day care facilities are already provided for as a controlled activity in Activity Area 6.

## Issue 5 – Component 5: Changes to zone standards for nature and scale of activities and hours of operation

**Neki Patel** opposes the changes relating to the hours of activities, citing the need to protect residents. With student accommodation may come bars etc, in what is a family and elderly area. This will increase traffic. The submitter questions where the non-commercial buffer zones for the current housing are.

**Penelope Young** supports this submission

**Shotover Park Limited** opposes this submission stating that the issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.

### Discussion

The applicant proposes to change zone standards 12.11.5.2vi (Nature and scale of non-residential activities) and 12.11.5.2vii (Hours of operation) so that they only apply to Activity Area 1.

Currently the zone standard relating to nature and scale of non-residential activities applies to all Activity Areas except for those activities specifically listed as exempt below:

- Commercial recreational activities in AA4
- Day time health care facilities in AA4
- Hospitals and health and day care facilities AA6
- Educational facilities in AA4 and AA6
- Retirement villages in AA4 and AA6
- Commercial recreational activities in AA8

The Section 32 report notes that the following controlled and discretionary activities listed in Rule 12.11.3.6 (Table 1) are required to comply with the Zone Standards relating to nature and scale, and hours of operation, and if not would be non-complying activities:

*In AA2 (including activity areas 2a, 2b and 2c):*

- Commercial activities (discretionary)
- Commercial recreational activities (controlled)

*In AA4:*

- Commercial activities (discretionary)
- Hospitals (discretionary)
- Health/Day Care Facilities (those not exempt, as described above, discretionary)
- Visitor Accommodation (controlled)
- Premises licensed for the sale of liquor (discretionary)

*In AA6:*

- Commercial activities (discretionary)
- Commercial Recreational activities (controlled)
- Visitor Accommodation (controlled)
- Premises licensed for the sale of liquor (discretionary)

*In AA7:*

- Commercial activities (discretionary)

- Commercial recreational activities (controlled)
- Educational facilities (discretionary)
- Retirement villages (discretionary)
- Hospitals (discretionary)
- Health/Day Care Facilities (discretionary)
- Visitor Accommodation (controlled)
- Premises licensed for the sale of liquor (discretionary)

It is accepted that it appears that activities otherwise “enabled” in an activity area (by virtue of, particularly, the controlled activity status) appear to be “disabled” by the zone standards.

However it is not accepted that there is no resource management rationale as to why in particular controlled activities, and some discretionary activities, are exempted from these standards, and others are not.

The list of exempted activities includes those which generate less adverse effects on the environment than those which are not exempted. This is the resource management rationale for exempting only certain activities. The exempted activities are listed again below:

- Commercial recreational activities in AA4
- Day time health care facilities in AA4
- Hospitals and health and day care facilities AA6
- Educational facilities in AA4 and AA6
- Retirement villages in AA4 and AA6
- Commercial recreational activities in AA8

As the list shows, the activities listed above are going to generate less adverse effects on adjoining land uses such as residential, than would other non-exempted controlled activities such as licensed premises or commercial activities.

The resource management rationale is also considered to be addressed in the two bullet points of assessment matter j, which relates to the “Integration of Non-residential and residential Activities’. It states currently that:

- *The extent to which activities and buildings to accommodate them are in harmony with the intended environmental outcomes for the zone and in residential areas are designed to ensure residential scale and appearance for that locality.*
- *The bulk, form, and external appearance (including quality and colour of finish) of buildings or other structures should be consistent with the intended environmental outcomes for the Zone and in residential areas should be in harmony with the intended character of the area.*

It is apparent that the rules relating to nature and scale, and hours of operation, are essential in order to ensure that the hours of operation of non-residential activity do not compromise residential amenity values, social well being, residential cohesion and privacy.

It is also apparent that some of the controlled activities, that the applicant seeks to have exempted, for example licensed premises, have the potential to generate noise and other adverse effects on other controlled uses within a particular activity area, for example, residential activity.

It is therefore considered appropriate that Council retain control over the nature and scale of non-residential activities, and their hours of operation, to ensure reverse sensitivity effects do not arise.

For example, in Activity Area 3, residential activities are controlled and cannot be refused consent. The change proposed by the applicant would mean that a non-residential activity such as a licensed premise which are also controlled (and cannot be refused), would have less control over its hours of operation or the nature and scale of the activity, and could be located directly beside a residential use. This is not considered to be good resource management practice to have residential and non-residential activities side by side with only a 'controlled activity' status for Council to control the hours of operation, or the nature and scale of the non-residential activities, as the change requested by the applicant would allow. Furthermore, the effect of the change requested to the text of the District Plan has not been adequately considered in terms of the Section 32 analysis.

Limiting controls on the nature and scale of activities and the hours of operation to just Activity Area 1 does not constitute sound resource management practice because it will remove the ability of Council to manage and if necessary, avoid conflicts between activities that are provided for in the zone.

The blanket approach of the applicant of removing controls on the nature and scale of activities, and on hours of operation from all non-residential activities except AA1 is not preferred.

A preferred approach would be to specifically review each of the activities that are exempted, and consider what other activities are appropriate to add to the list. It is possible that additional activities could be exempted from the controls on nature and scale, and hours of operation. However the approach adopted by the applicant is too blunt, and would result in a loss of control over the nature and scale of non-residential activities, and hours of operation, which is important in a mixed use zone in order to achieve the purpose of the Act.

A further problem with the approach proposed by the applicant in the Section 32 report is that it does not clearly acknowledge or state that the impact of the change they are proposing to zone standard 12.11.5.2vi would remove control over the nature and scale of all non-residential activities outside of AA1. Not just the controlled and discretionary activities, as the Section 32 assessment implies. The change proposed to the actual text of the District Plan by the applicant would also apply to non-complying activities. While non-complying activities require consent in any event, it is useful to have the 'nature and scale' rules in place to provide guidance when processing a non-complying activity. The implications of this have not been considered by the applicant in the Section 32 assessment.

### Recommendations

That the submission of Neki Patel, and the further submission of Penelope Young be accepted. The further submission of Shotover Park Limited, to the degree that it is relevant because the proposal would change the activity mix by deleting the exemptions, is rejected.

### Reasons for the recommendations

Retaining control over the nature and scale of non-residential activities, and hours of operation is important in a mixed use zone in order to achieve the purpose of the Act. If the change proposed by the applicant is accepted, adverse effects of non-residential activities on residential activities will not be avoided, remedied or mitigated.

## Issue 6 – Component 6: Changes to enable parking in AA4 and AA8

**Queenstown Lakes District Council** submit that the supply of additional car parking needs to be assessed as oversupply may contradict the Council's direction towards supporting public transport and travel management plans. Car parking in these areas should be a discretionary activity. Should additional car parking be provided there needs to be an emphasis on good pedestrian routes around and through the car parking areas; landscaping is also important. QLDC require that a travel management plan is developed for the area by a qualified expert if additional car parking is required.

**Penelope Young** supports this submission.

**Shotover Park Limited** opposes this submission stating that the issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.

### Discussion

The applicant seeks that vehicle parking, in its own right, be a controlled activity in Activity Areas 4 and 8. Normally the amount of car parking required is considered and assessed when provided as part of an application for a particular activity.

While it is acknowledged that the planning controls associated with the cross wind runway are a significant constraint on new buildings, and that potentially car parking is appropriate in this limited area, a controlled activity status is considered too weak to ensure good environmental outcomes and the purpose of the Act.

A controlled activity status is also unnecessary for all of Activity Area 4 and 8. As the Structure Plan illustrates, these Activity Areas cover a very large area of land (proposed as 81 hectares), and the change proposed by the applicant would not just limit 'controlled activity' car parking to areas affected by the cross wind runway planning controls. The proposed change would make car parking a controlled activity throughout the entirety of AA4 and AA8. These two areas account for over 81 hectares of land under the proposed Structure Plan submitted with PC34.

Furthermore, there may be other non-noise sensitive activities that could locate in the area affected by the cross wind runway controls, such as recreational activities. A controlled activity status would only encourage use for car parking. It is noted that the provisions proposed as part of Plan Change 19 (Frankton Flats B Special Zone) seek to impose a maximum amount of car parking, rather than a minimum, as this accords with the Councils transportation strategy which includes travel demand management. Allowing an unlimited amount of car parking over such a large area of the RPZ would not promote sustainable management.

Remarkables Park shopping centre is already dominated by large open car parks. Many of these car parks are under utilised due to their placement behind the retail premises (such as The Warehouse) with no pedestrian footpaths from them to the entrance to the shops. These car parks are now often used for outdoor storage by retailers, rather than as car parking spaces (refer Figure 1 below). While this is outside the scope of the Plan Change, it illustrates the issues that arise from an oversupply of poorly designed and located car parking.

**Figure 1: Poorly located car parking with no footpaths behind The Warehouse, being used for outdoor storage.**



The existing car parking in Activity Area 5 also does not work particularly well in terms of pedestrian movements *within* the shopping centre. For example a pedestrian attempting to go from New World to Canterbury of New Zealand has to navigate the main road serving the entire shopping centre, with the nearest pedestrian crossing being near Hamills. This forces pedestrians to do a large loop, instead of being able to walk directly from A to B. Similarly, the entrance to Mitre 10 blocks the footpath, forcing pedestrians not wanting to go to Mitre 10 to negotiate two sets of swinging doors (often with buggies or trolleys). When Mitre 10 is closed, the doors are locked and pedestrians are forced onto the vehicle carriageway.

The existing limitations of car parking in Activity Area 5 for pedestrians illustrates the importance of carefully managing additional car parking in Activity Areas 4 and 8, accordingly the ability to refuse inappropriate layouts should be retained. While some matters can be addressed through a controlled activity consent, the actual oversupply issue cannot be. Therefore a controlled activity status is not considered adequate to achieve the purpose of the Act.

The Section 32 assessment provided with the application, and the transportation assessment provided by Traffic Design Group fails to provide any form of assessment of the impact of the proposal and consequent potential oversupply of car parking on the Wakatipu Transport Strategy which includes as a priority, travel demand management.

The purpose of the Act is better achieved by assessing car parking in relation to particular activities. Making car parking in all of AA4 and AA8 a controlled activity, which accounts for 81 hectares of the RPZ, would frustrate attempts for more sustainable and less car dependent urban form.

## Recommendations

That the submission of the Queenstown Lakes District Council be accepted, and the further submission of Shotover Park Limited, to the extent that it is relevant because the proposal is to change the mix of activities provided for, be rejected.

Reasons for the recommendations

The purpose of the Act is better achieved by assessing car parking in relation to particular activities. It is appropriate to retain control over stand alone car parking areas that are unrelated to a particular land use to ensure good outcomes for pedestrians and to not compromise the Council's Wakatipu Transport Strategy.

## **Issue 7 – Component 7: Changes to facilitate passenger ferry transport**

No persons directly submitted on this, however a number of submissions supported the whole Plan Change.

### Discussion

The applicant seeks that the RPZ recognise that there are opportunities for a second ferry stopping point further to the east (downstream) of the existing location identified near the tip of the peninsula of AA2a.

The proposed additional location is also in AA2a, adjacent to AA7. The Section 32 report notes that any proposal for a ferry or terminal would still require consent under the AA2a provisions and / or the Rural General zone rules (given that the surface of the water is predominantly within the Rural General zone). The specific location and form of the stopping points and other effects on the environment including effects on river safety, ecological and amenity values will be addressed in any such resource consent application.

### Recommendations

That the submissions which express general support for the changes proposed in PC34 be accepted to the extent that that they relate to Issue 7.

### Reasons for the recommendations

Facilitating public passenger transport via the waterways of the District is a sustainable mode of transport that can reduce dependence on private motor vehicles.

## **Issue 8 – Component 8: Changes to airport related controls in the RPZ**

**Air New Zealand** seeks that the decision takes into account the points raised in the submission (promotion of sustainable management, provides for reserves sensitivity effects arising from Activities Sensitive to Aircraft Noise (ASANs) in close proximity to the airport, prohibits new ASANs from establishing within the Outer Control Boundary (OCB), enable efficient use and development of the Airport and surrounding area, meet the reasonable needs of future generations).

**Queenstown Airport Corporation** supports the submission of Air New Zealand in so far as it seeks to ensure that PC34 appropriately recognises current and future airport activities, particularly in relation to noise and other reverse sensitivity effects.

**Ministry of Education** opposes this submission and submits that the District Plan provisions should recognise and provide for the community importance and operating requirements of schools so as to achieve a balanced resource management outcome. The urban zones within the RPZ are settled and operative, to make ASANs prohibited activities within the OCB is beyond the scope of the Plan Change. They also contend that it would be wrong to impose restrictions or prohibitions within established and operative urban zones to relieve the Airport Corporation or aircraft operators of their duty to avoid, remedy or mitigate adverse effects of future expansion of airport activities.

**Air New Zealand** seeks that the Plan Change is updated to reflect the terminology modifications made through Plan Change 35, i.e. the references to “residential, visitor accommodation, or community activities” and that these are replaced with “ASANs”.

**Ministry of Education** opposes this submission and submits that the District Plan provisions should recognise and provide for the community importance and operating requirements of schools so as to achieve a balanced resource management outcome. The urban zones within the RPZ are settled and operative, to make ASANs prohibited activities within the OCB is beyond the scope of the Plan Change. They also contend that it would be wrong to impose restrictions or prohibitions within established and operative urban zones to relieve the Airport Corporation or aircraft operators of their duty to avoid, remedy or mitigate adverse effects of future expansion of airport activities.

**Air New Zealand** seeks that the prohibited activity status of activities within the OCB is extended to include all ASANs.

**Ministry of Education** further submits that the District Plan provisions should recognise and provide for the community importance and operating requirements of schools so as to achieve a balanced outcome. The urban zones within the RPZ are settled and operative, to make ASANs prohibited activities within the OCB is beyond the scope of the Plan Change. They also contend that it would be wrong to impose restrictions or prohibitions within established and operative urban zones to relieve the Airport Corporation or aircraft operators of their duty to avoid, remedy or mitigate adverse effects of future expansion of airport activities.

**Air New Zealand** submits that the area in which ASANs are prohibited is extended to reflect the air noise boundary adjustments made through Plan Change 35.

**Queenstown Airport Corporation** seeks that Figure 2 Airport Measures be amended so that the contours promoted through the Plan Change 35 decision apply and the grey hatched and grey shaded areas on Figure 2 – Airport Measures are amended accordingly.

## Discussion

Component 8 seeks to make a number of changes to the Zone arising from an agreement between Remarkables Park Limited (RPL) and QAC (dated 27 January 2009). The submission from QAC refutes this claim. A Plan Change cannot confirm agreements made between parties as there is always a chance that submissions can be made to change Plan provisions (as allowed for under the 1<sup>st</sup> schedule process). It may be the starting point for amending the District Plan but may result in different wording or provisions than promoted; this is a function of the public participatory approach of the Act.

Plan Change 35 (Queenstown Airport Air Noise Boundaries) was promoted as a private Plan Change by the Queenstown Airport Corporation to provide for future growth of the Queenstown Airport. It was adopted by the Council as a Council Plan Change in part. [The part that was accepted rather than adopted was the proposal to extend the operating hours of the Airport from 10pm until midnight. This part of the Plan Change was rejected by the Council and was not appealed by the Airport]. The remainder of the Plan Change (35) has been appealed by a number of parties: Wakatipu Residents Against Airport Noise, Remarkables Park Limited and Queenstown Airport Corporation Limited.

Plan Change 35 made a number of changes to the operative provisions of the District Plan. Their scope and effect affected existing zones and the Rural General Zones in a different manner, essentially accepting that operative zones have some form of existing use rights compared to Rural General areas. Plan Change 35 makes some of the amendments proposed by Air New Zealand such as introducing the terms ASANs to the Zone and making these activities prohibited in Activity Area 5.

It is difficult in the sense that the decision on Plan Change 35 made a number of recommendations that affect the Remarkables Park Zone, these were appealed by Remarkables Park Limited who stated that a number of the changes were out of scope of the Plan Change.

As the parties work through the appeals (undertake Environment Court led caucusing and draft evidence) it has become apparent that this may be the case. Consent memoranda are being drafted at present. It is hoped that the parties (Queenstown Airport Corporation and Remarkables Park Limited) are able to provide further analysis on the status of any agreements and how they affect the operative provisions of the Remarkables Park zone at the hearing for Plan Change 34. Trying to recommend changes in the absence of the agreed changes is problematic. By the commencement of this hearing for Plan Change 34 evidence would have been exchanged for Plan Change 35. It is therefore recommended that Queenstown Airport Corporation bring to the hearing a copy of the agreed amendments so it can be ascertained the changes to be made through Plan Change 35 (affecting the Remarkables Park Zone) and any other changes sought through the submission process for this Plan Change (to clear up any points not covered by the Plan Change 35 process).

The Ministry of Education contend that the Plan provisions should provide for schools as a matter of community importance. Under Plan Change 35 schools are categorized as Activities Sensitive to Aircraft Noise and are prohibited within the Outer Control Boundary. Plan Change 35 made amendments to the location of the Outer Control Boundary and amended 12.11.3.6 Table 1 within the Remarkables Park Zone replacing “residential, Visitor Accommodation and Community Activities” with “Activities Sensitive to Aircraft Noise” this definition is defined in the District Plan and will be used to control ASANs in other zones as well. For instance in Plan Change 19 (under appeal) the term ASANs has

been agreed by all parties apart from the Ministry of Education, who seek that schools removed from this definition. In Plan Change 19 all ASANs within the Outer Control Boundary (65dB Ldn) are prohibited activities in order to protect the Airport. It is noted that Plan Change 19 is a new proposed zone (over Rural General zoned land) as opposed to an existing zone such as the Remarkables Park Zone.

Given the size of the Remarkables Park Zone and that a lot of the zone is yet to be developed it is considered prudent to keep Activities sensitive to Aircraft Noise from within the Outer Control Boundary.

### Recommendations

The submission by Queenstown Airport Corporation is accepted as it is not appropriate to make any of the changes proposed by Remarkables Park to the operative zone until some of the uncertainty arising from the Plan Change 35 appeal is resolved.

That the submissions made by Air New Zealand are rejected and the further submissions by Queenstown Airport and the Ministry of Education are rejected.

### Reasons for the recommendations

Until such time as the evidence for Plan Change 35 is provided it is problematic to include or address the proposed amendments made by submitters to Plan Change 34 as the underlying provisions are subject to change under the appeal process for Plan Change 35.

It is anticipated that parties will provide a more thorough analysis of the outstanding issues to the hearing for Plan Change 34. This may provide guidance as to if it is appropriate to make changes to the zone through this process (as opposed to Plan Change 35).

## Issue 9 – Component 9: Changes to noise controls in the RPZ

**Neki Patel** submits that as each commercial unit is developed noise [limits] need to be taken into account in terms of the activity areas.

**Penelope Young** supports this submission

**Shotover Park Limited** opposes this submission stating that the issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.

### Discussion

The applicant proposes to add Activity Areas AA2a, AA6 and AA8 into the list of exceptions to the noise limits. If AA2a, AA6 and AA8 are added in, then effectively an extra 5dBA L<sub>10</sub> is added to the permissible noise limits for non-residential activities in the three activity areas. This means non-residential activities in these areas will be able to make an extra 5dBA L<sub>10</sub> of noise.

To justify increasing the area where the higher noise limits apply to include AA2a, AA6 and AA8, the applicant maintains that “*a range of non-residential activities are enabled in these activity areas, as is the case with the other activity areas [that are exempted] (except AA1)*”.

This is not correct with regard to AA2a and AA8. These activity areas do not enable ‘a range’ of non-residential activities. The only non-residential activity provided as a controlled activity in both AA2a and AA8 is commercial recreational activities. Given that AA2a is clearly identified as an area for ‘riverside public recreation’, and that AA8 is clearly identified as a ‘northern perimeter area’ suitable for rural, recreational, infrastructural and potentially, parking facilities, there is no real justification or need to increase the noise limit by an extra 5dBA L<sub>10</sub> in these areas, because non-residential activities are not specifically enabled in these areas.

The exemption which gives an extra 5dBA L<sub>10</sub> to AA3, AA4, AA5, and AA7 is however appropriate for AA6, which does indeed provide for a range of non-residential activities, as the applicant states.

### Recommendations

That the submission of Neki Patel and the further submission of Penelope Young be **accepted in part** to the extent that AA2a and AA8 do not need to have an extra 5dBA L<sub>10</sub> given the only non-residential activity anticipated in these Activity Areas is commercial recreational activity. The further submission of Shotover Park Limited is also accepted in part.

### Reasons for the recommendations

AA6 does provide for a range of non-residential activities, similar to other Activity Areas that are given an extra 5dBA L<sub>10</sub>. However AA2a and AA8 do not need to have an extra 5dBA L<sub>10</sub> given the only non-residential activity anticipated in these Activity Areas is commercial recreational activity.

## Issue 10 – Component 10: Changes to descriptions of prohibited activities

**Neki Patel** opposes changes to the policy regarding prohibited activities, stating that panel beating should not be changed in order to protect the residents as the existing District Plan provisions do.

**Penelope Young** supports this submission

**Shotover Park Limited** further submits that the issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.

### Discussion

The applicant maintains that changes to the description of prohibited activities is necessary because activities that are a normal part of a permitted commercial activity were being captured as 'prohibited' because they involved components of prohibited activities.

The example given is a permitted bar or restaurant (a commercial activity) that happens to store bottles on site, potentially being viewed as a prohibited activity due to the reference to "bottle or scrap storage" in the current list of prohibited activities.

In practice, this interpretation has not occurred. Even if the existing cafe and restaurant operators do have a small amount of bottle storage located on site, commercial operators in Remarkables Park have never been approached by Lakes Environmental about a potential prohibited activity breach because the activity is clearly part of the permitted commercial activity.

Lakes Environmental have confirmed that the possible interpretation put forward by the applicant is not their view of how Table 1 (12.11.3.6) works, and would not pursue enforcement action on the basis of the interpretation put forward by the applicant. This is because the reference to "bottle or scrap storage" in Table 1 (12.11.3.6) is read in the context of the other prohibited activities, namely "*panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, motorbody building, fish or meat processing, or any activity requiring an offensive trade licence under the Health Act 1956*".

The context of the reference to "bottle or scrap storage" makes it clear that it is an activity in its own right, just like 'fish processing', and not as a very small part of a permitted commercial activity such as a cafe or restaurant. The prohibited activity status clearly refers to a situation where a large scale "bottle or scrap storage" activity is being undertaken.

The proposed insertion of the word "bulk" would remove any uncertainty, and could therefore be appropriate. However overall the rationale for this change is considered unjustified, and Lakes Environmental has confirmed the unlikely interpretation suggested by the applicant has never occurred.

Of more importance is the summary of the change to prohibited activities, and the Section 32 assessment provided by the applicant does not address the full consequences of the change in terms of the proposed amendments to 12.11.3.6 Table 1.

The applicant has inserted brackets and the word "including" into the list of prohibited activities, which has the effect of changing the list of prohibited activities so that many become a subset of "panel beating". This significantly alters the intention of the rule. The intention of the rule is to list a range of activities that are prohibited, that are not just related to panel beating.

The existing list of prohibited activities in Table 1 states:

*Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, fish or meat processing, or any activity requiring an offensive trade licence under the Health Act 1956.*

The proposed change by the applicant would see this change to (additions shown in **underline** and deletions shown in ~~strike through~~):

*Panelbeating (including ~~spray painting~~, motor vehicle panel repair or dismantling, or motorbody building) fibreglassing, sheet metal work, bottle or scrap bulk storage or processing, ~~motorbody building~~, fish or meat processing, or any activity requiring an offensive trade licence under the Health Act 1956.*

The table below shows the effect of the change:

<b>Prohibited Activities under Existing District Plan Definition</b>	<b>Prohibited Activities under Proposed RPL Definition</b>
Panel beating	Panel beating (including spray painting, motor vehicle panel repair or dismantling, or motor bodybuilding)
Spray painting	
Motor vehicle repair or dismantling	
Fibreglassing	Fibreglassing
Sheet metal work	Sheet metal work
Bottle or scrap storage	Bottle or scrap bulk storage or processing
Motorbody building	
Fish or meat processing	Fish or meat processing
Any activity requiring an offensive trade licence under the Health Act 1956	Any activity requiring an offensive trade licence under the Health Act 1956

The effect of the change proposed by Remarkables Park Limited is to remove motor vehicle repair (amongst other things) from the list of prohibited activities, unless it is part of a panel beating operation.

Therefore stand alone (i.e. not related to panel beating) motor vehicle repair, spray painting, motor vehicle dismantling, or motor bodybuilding is effectively removed from the prohibited activity category.

This change has not been clearly declared or assessed by the applicant in the Section 32 assessment, and would mean that motor vehicle repair would potentially be a permitted activity throughout the RPZ, subject to meeting site and zone standards. As the zone standard (12.11.5.2vi) relating to 'nature and scale of non-residential activities' does not apply to Activity Area 5, they would effectively be permitted activities throughout Activity Area 5. Furthermore, if the applicants changes to 12.11.5.2vi discussed under Issue 5 are accepted (which are to remove controls on nature and scale of non-residential activities), they would effectively change from being prohibited to permitted activities throughout all Activity Areas except AA1.

It is noted that the list of prohibited activities in 12.11.3.6 Table 1 is the same as that in Part 7 of the District Plan, which includes the Low and High Density Residential Zones. In terms of ensuring consistent administration and interpretation of the District Plan, it is not desirable to make this change to the list of prohibited activities.

It is noted that resource consents RM100827 & RM110118 were recently approved for land formerly owned by the applicant for a car yard in Activity Area 5 of the RPZ. These consents were granted for the construction of the building, and the sale of cars is a permitted commercial activity in AA5. An Advice Note on the consent noted that motor vehicle repair is a prohibited activity on the site, and could not occur. The proposed alterations to the list of prohibited activities would have the effect of permitting motor vehicle repair on this particular site, as well as stand alone (i.e. not related to panel beating) motor vehicle repair, spray painting, motor vehicle dismantling, or motor bodybuilding. If the actual intent of the applicant is to seek to allow motor vehicle repair on this particular site, this should have been clearly stated.

The applicants also propose that the prohibited activity status of Service Activities in Table 1 be altered so that the term reads as follows:

Service activities **(unless ancillary to a permitted, controlled or discretionary activity)**

Service activities are already defined in the District Plan as (underlining added):

*Service Activity: means the use of land and buildings for the primary purpose of the transport, storage, maintenance or repair of goods.*

As the definition of 'service activity' above illustrates, an activity is only considered to be a service activity when the "primary use" of land and buildings is for transport, storage, maintenance or repair of goods.

The change proposed by the applicant effectively seeks to replicate what is already in the definition of service activity. The words proposed to be added "unless ancillary to a permitted, controlled or discretionary activity" are not considered necessary, because those words are already captured by the definition of 'service activity' which refers to 'primary purpose' – i.e. they already have to be ancillary. Or said another way, if a service activity is ancillary to a permitted, controlled or discretionary activity, it would not be deemed to be a 'service activity' and would not be a prohibited activity.

Previously it has been made very clear by Remarkables Park Limited that the provision of any additional need to provide for industrial/business zoned land to meet Queenstown's future needs is not appropriate within the Remarkables Park Zone. In the Activity Table for the Zone Industrial and Service activities are prohibited activities in all Activity Areas. Should these activities be promoted they should be supported by a thorough Section 32 analysis.

### Recommendations

That the submission by Neki Patel, and the further submission by Penelope Young be accepted, and that the further submission by Shotover Park Limited be rejected, to the extent that it is relevant as the proposal is to change the mix of activities provided for in the zone.

### Reasons for the recommendations

The changes proposed do not address a significant resource management issue and do not better promote the purpose of the Act. The undeclared effect of the proposed changes would be that activities that give rise to adverse environmental effects such as motor vehicle repair and dismantling, spray painting, motor body building, potentially becoming a

permitted activity in all activity zones of the Remarkables Park Special Zone except Activity Area 1.

### **Issue 11 – Component 11: Changes relating to site and building design within the zone**

**Queenstown Lakes District Council** supports the proposed changes to Policy 2 with an amendment to require the need to reflect the wider landscape context.

**Penelope Young** supports this submission

**Shotover Park Limited** opposes this submission and submits that the issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.

**Queenstown Lakes District Council** oppose amendments relating to the urban design panel, and seek that the scope of the Remarkables Park Urban Design Panel is not broadened.

**Penelope Young** supports this submission

**Shotover Park Limited** opposes this submission and submits that the issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.

### Discussion

The policy change sought would result in the provision of a variety of built form, scale and height within the zone, the additional amendment would reinforce the need for the built form to also set well with the wider landscape.

The RPZ has provisions which require certain resource consent applications to be assessed by the Remarkables Park Urban Design Panel. These involve buildings in Activity areas 3, 4, 5, 6 and 7, if they breach the heights within the site standard (and become a discretionary activity) then the application for resource consent must be accompanied by a statement from the Design Review Board. Rule 12.11.5.1(iv) states the following:

*For any building above the specified height, an application for resource consent must be accompanied by a statement from a Design Review Board evaluating the application. The Design Review Board shall be established by the Council and shall consist of a panel of four, agreed to by Council and the developer, 2 members to be provided by the Council and 2 members to be provided by the developer. This panel may include the following independent persons: architect/urban designer; resource management planner; landscape architect. The reasonable costs of the design Review Board shall be met by the applicant.*

The proposed Plan Change seeks to expand the role of the Design Review Board to be able to be used to evaluate any proposal within the RPZ (this is by amending the “Other Methods” for achieving Objective 4 of the District Plan).

This amendment means that any application for development can be accessed by the Board if requested by the applicant or otherwise deemed necessary.

The Queenstown Urban Design Panel has been established for a number of years and provides guidance and reports for resource consents. It is not a compulsory process, if applicants do not wish for their applications to be assessed by this panel, and the Council officer considers urban design advice is necessary to process a resource consent, then an independent urban designer may be retained to provide advice. This is much the same as happens when specialist knowledge in other disciplines such as traffic and engineering are required.

There are a number of zones within the District which require assessment of development by either their own Design Review Board or a Board which has a mixture of Council chosen experts and developer chosen experts. Both Millbrook and Jacks Point Special Zones are examples of these. There are instances when the duplication of requirements can cause inefficiencies for the processing of consents and there is the potential for issues when a review from a Design Board and the processing of a resource consent are in conflict. I therefore believe it is more efficient and transparent for the Council to move toward one Urban Design Panel that can assess all relevant consents if required.

Therefore the additional changes to strengthen the use of the Remarkables Park Zone 'Urban Design Board' are not considered necessary. Should additional advice be required the Queenstown Urban Design Panel or a qualified urban designer would be well placed to give advice.

### Recommendations

That Objective 4 – Policy 2 in amended to read:

Policy 2            *“To provide variety of built form, scale and height within the Remarkables Park Zone which relate well to and do not detract from the surrounding landscape.”*

The provisions relating to the Urban Design Panel within the RPZ are retained without amendment.

### Reasons for the recommendations

A minor change to the policy ensures that development is not only addressed from within the Zone but development can also be addressed in terms of its impact from outside of the Zone.

The requirements for provision of an Urban Design Panel report are sufficient within the existing provisions. Should they need to be expanded then reference should be made to the Council's Urban Design Panel as opposed to the Remarkables Park Design Review Board.

## Issue 12 – Component 12: Height of buildings in Activity Area 8

**Sebastian Smith** submits in support of the Plan Change and increasing the height limit in Activity Area 8.

**Queenstown Airport Corporation** submit that any changes to Activity Area 8 are rejected or that the Plan Change is rejected.

**Queenstown Gateway Limited** and **Penelope Young** support this submission.

**Shotover Park Limited** opposes this submission as they contend that there is not resource management basis for opposing “any changes” to Activity Area 8. The height limit proposes are consistent with the height of buildings within the airport designation. The issues raised do not recognise the activity mix already enabled under the operative Remarkables Park zoning.

**Queenstown Airport Corporation** submit the Plan Change should be rejected on the grounds that that it seeks to amend the height provisions in zone standard 12.11.5.2(ii).

**Penelope Young** supports this submission.

**Shotover Park Limited** opposes this submission as they contend that there is not resource management basis for opposing “any changes” to Activity Area 8. The height limit proposes are consistent with the height of buildings within the airport designation. The issues raised do not recognise the activity mix already enabled under the operative Remarkables Park zoning.

**Queenstown Central Limited** acknowledges the importance of the Queenstown Airport and opposes the expansion of the Remarkables Park Zone into land that has been identified for expansion of the airport and is subject of a motion pursuant to section 149T(2) on a Notice of Requirement to alter the existing aerodrome purposes designation in the District Plan.

**Penelope Young** supports this submission.

**Queenstown Airport Corporation Limited** supports the submission in that it acknowledges the importance of the Queenstown Airport and that the Queenstown Airport is nationally significant. The Environmental Protection Authority has determined that Lot 6 to be of proposal of national significance.

**Shotover Park Limited** further submits that the submission is misconceived as PC34 does not proposed to expand the Remarkables Park Zone. The issues do not recognise the activity mix already enabled under the operative Remarkables park zone.

**Queenstown Gateway Limited** acknowledges the importance of the Queenstown Airport and opposes the expansion of the Remarkables Park Zone into land that has been identified for expansion of the airport and is subject of a motion pursuant to section 149T(2) on a Notice of Requirement to alter the existing aerodrome purposes designation in the District Plan.

**Penelope Young** supports this submission.

**Queenstown Airport Corporation Limited** supports the submission in that it acknowledges the importance of the Queenstown Airport and that the Queenstown

Airport is nationally significant. The Environmental Protection Authority has determined that Lot 6 to be of proposal of national significance.

**Shotover Park Limited** further submits that the submission is misconceived as PC34 does not proposed to expand the Remarkables Park Zone. The issues do not recognise the activity mix already enabled under the operative Remarkables Park Zone.

**Neki Patel** opposes the increase of building height to 18m as this needs to be discussed fully.

**Penelope Young** supports this submission

**Shotover Park Limited** opposes this submission and submits that the issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.

**Queenstown Lakes District Council** oppose increasing the height limit in Activity Area 8 and seek that the existing height limit in AA8 remains.

**Penelope Young** supports this submission

**Shotover Park Limited** opposes this submission and submits that the issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.

### Discussion

Part of Activity Area 8 is subject to a Notice of Requirement by the Queenstown Airport Corporation for an area of 19.1 hectares. The application was lodged with the Environmental Protection Authority as a matter of national importance, and the Minister for the Environment approved it being heard directly by the Environment Court. At this stage no hearing date has been set.

Pursuant to section 178(1)(a) of the Act, the NOR has interim effect. As a consequence no person may do anything that prevents or hinders the public work to which the designation relates unless the person has the permission of the requiring authority. The Council obtained legal advice as to whether there was any impediment to the processing of this Private Plan Change given that the Notice of Requirement had been lodged. Council's legal counsel have advised that that the only "effect" of the Plan Change could be a change in the value of the land, this would not necessarily hinder the public works. Accordingly there was no impediment to the notification and processing of Private Plan Change 34.

Height rules in Activity Area 8 currently state that if a building exceeds 7m (zone standard 12.11.5.2ii), it becomes a non-complying activity.

The applicant seeks to insert a new site standard specifying a height limit of 9m, and an alteration to the zone standard to 18m (approximately 6 storeys).

The application refers to the 9m height limit (beyond which it would become restricted discretionary activity) as appropriate "*being the height of the adjacent AMUZ*". However Activity Area 8 does not adjoin the AMUZ, it adjoins Rural General zoned land.

The effect of the change is that a building up to 9m effectively becomes permitted (although it requires a controlled activity consent for its external appearance), and between 9m and 18m would become a restricted discretionary activity, with Council’s discretion limited to:

- *The location of the building within the neighbourhood*
- *The variation of the height of the building*
- *the external appearance of the building including roof form, facade, materials and colours.*

The explanation given for the change is that Activity Area 8 provides for commercial recreational activities, and that increasing the possible height limit to 18m better provides for buildings *“likely to be associated with a golf course, a gymnasium, or indoor facilities for sports, to complement outdoor recreational facilities, and are likely to be need to be higher than 7 metres”*.

Buildings up to 18m in height (roughly 6 storeys) would be some of the tallest in the entire Queenstown Lakes District. When considering below the types of commercial recreational activities listed by the applicant as justifying such a change, it is difficult to see how such a height limit is required:

Golf courses: when looking at the other golf courses in Queenstown at Frankton, Kelvin Heights, Millbrook, The Hills, Arrowtown and Jack Points, none of them have structures close to 18m in height, even though most have driving ranges associated with them.

Gymnasiums: the gymnasium at the Queenstown Events Centre has a maximum height of 14.7m.

Indoor facilities for sports: most sports that require indoor facilities e.g. basketball, netball, badminton, etc, take place in gymnasiums, as described above.

Other potential commercial recreational activities are also unlikely to require an 18m height limit. For example, the Alpine Aqualand aquatic centre at the Queenstown Events Centre has a maximum height of 14m.

The examples provided by the applicant would therefore not appear to justify the 18m height limit being a restricted discretionary activity. Providing a height limit of 18m as a restricted discretionary activity status would give the impression buildings of that height are anticipated in Activity Area 8, when they are not.

While the proposed restricted discretionary activity status does provide an opportunity for this individual assessment, and an application could be refused if that assessment showed an adverse effect that cannot be avoided, remedied or mitigated, it would send the wrong message with regard to the anticipated height of buildings in this area.

The table below shows the various height limits currently in place in the vicinity of AA8:

Zone	Height Limit
RPZ Activity Area 8 (operative provisions)	7m (zone standard)
RPZ Activity Areas 4, 5 and 6 (except within that area marked “A” on attached Figure 3)	12m (site standard) 18m (zone standard)
Rural General	8m (zone standard for residential activity) 10m (zone standard for non-residential buildings ancillary to viticultural or farming)

	activities)
Airport Mixed Use zone	9m zone standard

Given that there are differences in height in the surroundings Activity areas it is difficult to determine what height may be appropriate within this Activity Area if it indeed determined that additional height is justified to provide for Commercial Recreation Activities. Accordingly should additional height be required then additional height should be provided for by way of resource consent as opposed to a blanket increase in height in this Activity Area.

### Recommendations

That the submissions in opposition to the increase in height to 18m be accepted, and that the submissions in support of the height increase be rejected.

### Reasons for the recommendations

Most commercial recreational activities will be able to be constructed within the 7m (two storey) height limit. It is not accepted that commercial recreational activities always require heights of up to 18m (6 storeys) as a restricted discretionary activity. If a particular commercial recreational activity does need such a tall building, this can be assessed on a case by case basis as part of a site specific non-complying resource consent application, rather than needing to change the site and zone standards for the entire activity area.

## Issue 13 – Miscellaneous amendments to the RPZ

Miscellaneous changes to the RPZ are considered to be covered by the general submissions in support and opposition to the Plan Change.

The various miscellaneous amendments are considered individually below:

### **Structure Plans**

*Change Figure 1 – Activity Areas Structure Plan (with consequential changes to Figures 2 and 3) as follows:*

*(i) Change the northern boundary of the RPZ to reflect ownership changes between the applicant and the QAC. The modification concerns 1.4 hectares. The changes are shown on [Figure 1](#);*

This change is only appropriate if the part of Issue 1 – Component [1] which relates to rezoning this portion of land from AMUZ to RPZ AA5 is accepted.

*(ii) Change the boundaries of the activity areas to meet the proposed roading and bulk title configuration as approved by subdivision consent RM090321 (approved on 24 September 2009);*

The Figure 1 plan the applicant has included as Attachment 2 to the Plan Change does not match the stamped as approved plan for RM090321. This point was queried with the applicant as to what was actually sought, being either:

- the boundaries as approved under RM090321 or
- the plan as shown in Attachment 2.

In the letter from Brown & Company dated 11 August 2011 and appended as Attachment F, the applicant withdrew clause ii under paragraph 5.13.1 – Structure Plans (above) from the Plan Change.

*(iii) Relocate the boundary between AA6 and AA8 north by 20 metres, due to the realignment of the (unformed) Eastern Access Road 20 metres south (confirmed by QLDC resolution dated 25 August 2009).*

This point was queried with the applicant as it does not appear to be a miscellaneous change. Previously the Eastern Access Road formed the boundary between Activity Area 4 and Activity Area 8. The change to the location of the Eastern Access Road that has already occurred, in combination with the change by the applicant described above, now means that the Eastern Access Road bisects Activity Area 6.

This is not considered to be a miscellaneous change, as having a major road now bisecting Activity Area 6 where residential activity is a permitted activity, will generate adverse effects on the environment that have not been considered as part of the Section 32 assessment or the assessment of effects on the environment.

The change will also have the effect of moving residential activity 20m close to Queenstown Airport, in an area located within the proposed Outer Control Boundary as per the decision for Plan Change 35. While Plan Change 35 is under appeal, extending Activity Area 4 which provides for residential activities as permitted, closer to the airport, should be

considered under Section 32 and in the assessment of environmental effects, as under the proposed PC35 provisions, acoustic insulation would be required.

It would seem to better achieve the purpose of the Act if the Eastern Access Road is retained as the boundary between the two parts of the RPZ where residential activities are provided for, and where they are not provided for. Residential activities are provided for in AA3, 4, 6 and 7, all currently south of the Eastern Access Road. Activity Area 8, which is for non-residential activities, principally commercial recreational activities, is currently located north of the Eastern Access Road.

Using the Eastern Access Road as the boundary between AA6 and AA8 would also see AA4 being almost entirely outside of the airports proposed Outer Control Boundary (subject to appeal).

In the letter dated 11 August 2011 (Attachment F), the applicant refers to a 2000 Deed between Remarkables Park, Queenstown Airport and the Queenstown Lakes District Council. From a planning perspective this is a private agreement between the three parties, and needs to be subject to assessment through normal RMA (1<sup>st</sup> Schedule) processes before becoming part of the District Plan. The applicant has also not assessed the effect of the change.

**Objective 2**

*In the Explanation and Principal Reasons for Adoption section, second paragraph, the words "second home owners" are added because there is already a large number of holiday homes in AA1.*

Activity Area 1 is almost entirely occupied by owner / occupiers, rather than holiday homes. However this change is minor to a descriptive part of the plan text, and will not have any adverse effects.

**Various places**

*In relation to the commercial/retail centre, the word "new" is removed because the centre in AA5 now exists.*

This change is minor to a descriptive part of the plan text, and is considered appropriate as it will provide clarification.

**Part 12.10.4**

*The words "commercial/retail" is added in relation to the "centre", to clarify that the centre refers to the existing centre in AA5.*

This change is minor to a descriptive part of the District Plan text, and is considered appropriate as it will provide clarification.

**Rule 12.11.3.2(i)**

*In the 4th bullet point, the heights are modified to ensure consistency with the specified and maximum heights set out in the specific site and zone standards (respectively) for building height.*

The reference by the applicant to Rule 12.11.3.2(i) should read 12.11.3.2i.

This change will correct an error in the District Plan. It could be done immediately as part of a Clause 20A process, or as part of the proposed Plan Change. The change is considered appropriate as it will provide clarification.

**Rule 12.11.3.6 (Table 1)**

*In the row "Health/Day Care Facilities", insert "and/or" between "Health" and "Day" to clarify that the two activities can be dealt with separately.*

This change is minor to a descriptive part of the plan text, and is considered appropriate as it will provide a small degree of clarification.

**Rule 12.11.5.1(iii)**

*Delete this rule (relating to lift towers) because it is inconsistent with Rule 12.11.5.2(ii)(iii). There is no resource management reason why only visitor accommodation facilities should have an additional assessment for a lift tower that exceeds the maximum height.*

The reference above by the applicant to Rule 12.11.5.1(iii) should read 12.11.5.1iii. Furthermore the reference in the description of the change to Rule 12.11.5.2(ii)(iii) should read 12.11.5.2ii(iii).

Rule 12.11.5.2ii(iii) states that the maximum building height zone standard "shall not limit any lift tower in Activity Areas 3, 4, 5, 6 and 7 which exceeds the maximum height allowed by this rule by no more than 3 metres". i.e. a lift tower may actually project through the maximum height by 3 metres. The applicant states that this exception means there is no resource management reason why site standard 12.11.5.1iii should apply, which specifically states that for visitor accommodation activities in AA3, 4, 5, 6 and 7 shall exceed the maximum height for buildings in the zone.

It seems that site standard 12.11.5.1iii has been deliberately inserted to try and prevent lift towers from visitor accommodation activities being able to benefit from zone standard 12.11.5.2ii(iii) which provides a 3m exception for lift towers. It is not clear what exactly drove this, and it is accepted that there is no clear resource management rationale for specifically targeting lift towers from visitor accommodation, as opposed to other uses with lift towers, which may protrude through the maximum height by 3m.

**Rule 12.11.5.2(x)**

*There is no resource management why domestic pets cannot be kept in the activity areas that promote residential activities.*

The reference to Rule 12.11.5.2(x) should read 12.11.5.2x.

The applicant proposes altering zone standard 12.11.5.2x as follows:

**x Keeping of animals**

**Other than domestic pets or in Activity Area 8, n** *No animals shall stay overnight on a site, except for a maximum of 4 animals in the care of a registered veterinarian for medical or surgical purposes. There shall be no breeding, rearing or keeping of pigs or commercial livestock.*

At present the zone standard is not clear as to whether it applies to domestic pets. The change proposed by the applicant will clarify that domestic pets are excluded.

The change also has the effect of permitting the 'keeping of animals' in AA8, when previously that would have required a non-complying activity consent. This change is not likely to give rise to adverse effects on the environment because farming is already a permitted activity in AA8, and factory farming is already a non-complying activity.

**Part 12.11.6(a)**

*Fifth bullet point – modifications to ensure consistency with the equivalent rules for height of buildings.*

The reference to Rule 12.11.6(a) above should read 12.11.6 iii a.

This change will correct an error in the District Plan. It could be done immediately as part of a Clause 20A process, or as part of the proposed Plan Change. The change is considered appropriate as it will provide clarification.

Recommendations

That with the exception of the movement of the Activity Area 4 boundary 20m closer to the airport, which will result in Activity Area 4 (a residential area) being bisected by the Eastern Access Road, the submissions in general support of the Plan Change in so far as they are relevant to the miscellaneous amendments proposed above be accepted, and the submissions in general opposition to the Plan Change be rejected.

Reasons for the recommendations

All but one of the minor changes proposed will generally increase clarity and help with the use and interpretation of the plan, and better promote the purpose of the Act.

The change to move the AA4 boundary 20m northwards will not better promote the purpose of the Act because it will result in a residential area being bisected by the busy Eastern Access Road, when previously that was not the case. It will also result in new housing within the Airports proposed Outer Control Boundary under Plan Change 35 (subject to appeal). The purpose of the Act is better achieved if the boundary between AA4 and AA8 follows the Eastern Access Road.

## Issue 14 – Natural Hazards

The **Otago Regional Council** submit that any increase in intensity recognise the relative risk of liquefaction, and that the risk be appropriately investigated and provided for during the development of the Remarkables Park Special Zone.

This submission is supported by **Penelope Young**.

### Discussion

The Queenstown Lakes District Council's hazard register identifies that the entire Remarkables Park Special Zone is either 'susceptible' or 'possibly susceptible' to liquefaction. The assessment of environmental effects provided by the applicant considers flood risk, but does not directly refer to liquefaction, stating that:

*"no components of PC34 have any potential to generate any additional seismic hazard of the land, or instability, or slippage, or to have any effects on any other land. Effects relating to land stability have been addressed in detail in the application and engineering construction details for the subdivision consent RM090321".*

A review of the decision for RM090321 shows that liquefaction was considered by Lakes Environmental at the time of subdivision, and the text of the decision states that *"a condition of consent has been provided that ensures that following earthworks a geotechnical report is provided to confirm that the land is suitable for development"*. The condition referred to above appears to be condition 23(d) which states that:

(d) *A suitably qualified engineer experienced in soils investigation shall provide certification, in accordance with NZS4431:1989, for all areas of fill within the site on which buildings may be founded (if any).*

It is considered that the risk of liquefaction has been considered at the time of subdivision, and that conditions on the subdivision consent should address the concern of the Otago Regional Council. It is noted that the Otago Regional Council submission relates to any increase in intensity. The changes proposed as part of the Plan Change will not significantly increase the density of development, with the exception of the proposed increases in height.

### Recommendations

That the submission of the Otago Regional Council, and the supporting further submission from Penelope Young, be rejected.

### Reasons for the recommendations

The risk of liquefaction has been addressed in the 2009 bulk subdivision consent.

## Issue 15 – Impacts on the State Highway network

**Queenstown Central Limited** submits that the Plan Change as notified will have impacts on the State Highway network that are unjustified, unnecessary and contrary to the purpose and principles of the Resource Management Act.

**Penelope Young** supports this submission

**Shotover Park Limited** opposes the submission stating it is misconceived. The issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.

**Queenstown Gateway Limited** submits that the Plan Change as notified will have impacts on the State Highway network that are unjustified, unnecessary and contrary to the purpose and principles of the Resource Management Act.

**Penelope Young** supports this submission

**Shotover Park Limited** opposes the submission stating it is misconceived. The issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.

### Discussion

The expansion of Activity Area 5 to provide additional land for large format retail will generate additional traffic on local roads and the State Highway network. The submissions from Queenstown Central Limited and Queenstown Gateway Limited raise concerns about effects of the Plan Change on the State Highway network, however do not provide any evidence or justification for their concerns. It is noted that the New Zealand Transport Agency has not submitted.

The applicant has provided a transportation assessment report as part of the assessment of environmental effects. The report concludes that:

*“...with the improvements to the existing road network on the Frankton Flats that have already been proposed as part of the Wakatipu Transportation Strategy, there will be only small increases in the average vehicle delays at some major intersections and that these increases would not be noticeable to drivers”.*

The transportation assessment report goes on to state that:

*With the WTC [Wakatipu Transportation Strategy] proposals to enhance public transport and the capability of the comprehensive development of the RPZ to include appropriate facilities for walking and cycling, alternative modes of transport will be encouraged with the RPZ. With the ability to provide adequate facilities for alternative modes of transport, it is considered that there will be no adverse effects on sustainable travel due to the PC34”.*

This latter conclusion is somewhat dubious given that PC34 seeks to have car parking as a controlled activity in all of AA4 and AA8, an area that comprises some 83.1 hectares of the RPZ under the proposed Activity Area boundaries. The transportation assessment report does not appear to consider the impact of potentially providing an unlimited amount of car parking as a controlled activity on alternative modes of transport and sustainable travel. It is well established that the availability of car parking at a destination is a key determinant

for visitors in deciding whether to choose to use private motor vehicles over other modes of transport, even if facilities for other modes of transport are available in the RPZ.

### Recommendations

That the submissions of Queenstown Gateway Limited, Queenstown Central Limited, and the supporting submissions of Penelope Young be rejected.

That the further submission in opposition by Shotover Park Limited be accepted to the degree that it is relevant, the proposed Plan Change is altering the mix of activities enabled in the zone.

### Reasons for the recommendations

The submitters have not provided any evidence to support their submissions. The transportation assessment submitted by the applicant does not suggest there will be an adverse effect on the State Highway network from the increase in large format retail enabled by the expansion of Activity Area 5. The New Zealand Transport Agency also did not submit on the proposal. The effect of the proposal on the State Highway network is likely to be no more than minor.

## Issue 16 – Adequacy of consultation

**Queenstown Airport Corporation** submits that they are an immediate neighbour and were not adequately consulted on the Plan Change. QAC requests that the Plan Change is placed on hold to allow adequate consultation to take place and or further information to be obtained, or in the alternative, that the entire Plan Change be rejected.

**Penelope Young** supports this submission

**Shotover Park Limited** opposes this submission and states that there is no resource management basis for opposing “any changes” to Activity Area 8. The height limits proposed are consistent with the height of buildings within the airport designation. The issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.

### Discussion

The Act requires consultation by a local authority under Clause 3 of the 1<sup>st</sup> schedule of the Act for any Council Plan Change. The local authority shall consult the Minister for the Environment, any other Ministers of the Crown who may be affected, local authorities who may be affected, tangata whenua. The Council may consult anyone else.

Plan Change 34 is a private Plan Change which was ‘accepted’ rather than being ‘adopted’ by the Council, therefore it is not a Council Plan Change and does not require compliance with the Council's obligations for consultation.

Part 2 of the 1<sup>st</sup> Schedule of the Act outlines the process for applying for and processing Private Plan Changes. It does not require consultation or more specifically consultation with neighbours and other potentially affected parties.

### Recommendations

The submissions by Queenstown Airport and Penelope Young are rejected. The further submission By Shotover Park is rejected as it seems unrelated to the original submission point.

### Reasons for the recommendations

Consultation may not in itself resolve issues between the applicants of the Private Plan Change (Remarkables Park Limited) and the Queenstown Airport Corporation. Given the Queenstown Airport Corporation has lodged a Notice of Requirement over land owned by Remarkables Park Limited constructive consultation may not be possible.

## Issue 17 – General support and general amendments to the Plan Change

The various general submissions in support that request changes are labelled (a) – (g) below.

- (a) Submitters **Samuel Burgess, Pat Cummings, Dan Egerton, Alexa Forbes, Sam Hazledine, Aaron Irvine, Steven Kirk, J.W.A. Smith, Simon Smith, John Ward, Miles Wilson** support Plan Change 34 in full.
- (b) **Shotover Park Limited** supports the Plan Change in its entirety subject to Activity Area 3 be extended to create a physical link to the proposed expanded Activity Area 5 with roading realignment and improved pedestrian access as appropriate within Activity Area 5 and Activity Area 3.
- (c) **Frankton Community Association** support the Plan Change. They also submit that the road connection between Remarkables Park and Glenda Drive should be speeded up and implemented.
- (d) **The Ministry of Education** believes the Plan Change should be approved and that any other consequential relief that will give effect to their submission.
- (e) **Ralph Hanan** supports the Plan Change and submits that it is unreasonable for Remarkables Park Limited to provide an urban design report at this stage because the request does not involve a Plan Change and designs can follow.
- (f) **Queenstown Lakes District Council** submits that instances where the term ‘town centre’ is used should be removed.

**Penelope Young** supports this submission

**Shotover Park Limited** opposes this submission stating that the issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.

- (g) **Queenstown Lakes District Council** submits that the Plan Change be declined unless adequate and appropriate provisions are made to deal with strategic District Wide issues.

**Penelope Young** supports this submission

**Shotover Park Limited** further submits that the issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.

- (h) **Queenstown Lakes District Council** submits that the applicant makes an informed assessment of the likely demand on the water network by developing a water model in conjunction with the Council’s water modelling consultant Tonkin & Taylor.

**Penelope Young** supports this submission

**Shotover Park Limited** opposes this submission stating that the issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.

### Discussion of (a)

The submissions in support are acknowledged. The submitters in support consider that Remarkables Park Limited did a good job on the existing shopping centre before it was sold to Diversified New Zealand Property Fund Limited.

It is noted that the District Plan rules cannot be written on the basis of who the current landowner is, they have to be written on the basis of the land potentially being sold at any time.

#### Recommendation

That the submissions be **accepted in part**.

#### Reasons for the Recommendation

For the reasons that have been outlined throughout this report, being that some of the proposed changes are considered to better promote the purpose of the Act and are recommended to be accepted, and other changes are considered not to better promote the purpose of the Act, and are recommended to be rejected.

#### Discussion of (b)

- (b) Shotover Park Limited seek that Area 3 be extended to create a physical link to the proposed expanded Activity Area 5 with roading realignment and improved pedestrian access as appropriate within Activity Area 5 and Activity Area 3.

The proposed Activity Areas Structure Plan submitted with PC34 shows a small gap between AA3 and AA5. In Attachment 2 to PC34, the gap is shown as being occupied by Red Oaks Drive. The submitter seeks that the boundary of AA3 be altered so that it extends up AA5 so that *“it creates a physical link to the expanded Activity Area 5”*.

The change sought by the submitter is relatively minor in nature and could achieve efficiencies in terms of linkages between the two activity areas, albeit that the proposed Red Oaks Drive would appear to be the major impediment to improved pedestrian access.

#### Recommendation

That the submissions be **accepted**.

#### Reasons for the Recommendation

The change could improve linkages between AA3 and AA5.

#### Discussion of (c)

The Frankton Community Association support the Plan Change and submit that the road connection between Remarkables Park and Glenda Drive should be speeded up and implemented. This is outside the scope of the Plan Change, as the new Eastern Access Road will be subject to a future notice of requirement for a designation.

#### Recommendation

That the submission be **accepted in part**.

### Reasons for the Recommendation

The general support is acknowledged however the Plan Change is not the appropriate mechanism to speed up the funding and construction of the Eastern Access Road.

### Discussion of (d)

The Ministry of Education believes the Plan Change should be approved and that any other consequential relief that will give effect to their submission.

### Recommendation

That the submission be **accepted in part**.

### Reasons for the Recommendation

For the reasons that have been outlined throughout this report, being that some of the proposed changes are considered to better promote the purpose of the Act and are recommended to be accepted, and other changes are considered not to better promote the purpose of the Act, and are recommended to be rejected.

### Discussion of (e)

Ralph Hanan supports the Plan Change and submits that it is unreasonable for Remarkables Park Limited to provide an urban design report at this stage because the request does not involve a Plan Change and designs can follow.

The applicant has not provided an urban design assessment as part of the assessment of environmental effects that is required to accompany the Plan Change application. This was requested by the Council to better understand how the new commercial area on the northern side of the Eastern Access Road could be linked to the existing shopping centre, but the applicant refused to provide the information required.

Furthermore the operative RPZ provisions do not require an applicant to submit an urban design report as such, but rather for any building that exceeds the specified site standard height, it must be presented to a Design Review Board. Having been considered by a Design Review Board, the application for resource consent must be accompanied by the statement made by the Design Review Board.

### Recommendation

That the submission be **accepted in part** to the extent that the support for the Plan Change is acknowledged and some parts of the Plan Change are recommended for approval.

### Reasons for the Recommendation

The applicant did not provide an urban design assessment as part of the Plan Change application.

### Discussion of (f)

Queenstown Lakes District Council submits that the Plan Change be declined unless adequate and appropriate provisions are made to deal with strategic District Wide issues.

The submission made by the Council refers to the fact that a number of planning processes are being undertaken that affect planning in the Frankton (and wider Queenstown) area. These affect retail spread, the location of Large Format Retail and Plan Change 35 which seeks to “future proof” the Queenstown Airport.

#### Recommendation

Given the recommendations made on Component 1 (allowing some additional Large Format Retail Activities to occur – building on an existing area as opposed to zoning a new area) it is considered appropriate that this submission is accepted in part given that expansion of existing areas (Activity Area 5) as opposed to creating a new retail area is considered good resource management.

#### Reasons for the Recommendation

For the reasons that have been outlined throughout this report, being that some of the proposed changes are considered to better promote the purpose of the Act and are recommended to be accepted, and other changes are considered not to better promote the purpose of the Act, and are recommended to be rejected.

#### Discussion of (g)

Queenstown Lakes District Council submits that the applicant makes an informed assessment of the likely demand on the water network by developing a water model in conjunction with the Council’s water modelling consultant Tonkin & Taylor.

#### Recommendation

The submission is accepted in part, in the Limited Discretionary resource consent category proposed for buildings within Activity Area 5 allows discretion to be given to servicing of the development.

#### Reasons for the Recommendation

For the reasons that have been outlined throughout this report, being that some of the proposed changes are considered to better promote the purpose of the Act and are recommended to be accepted, and other changes are considered not to better promote the purpose of the Act, and are recommended to be rejected.

## Issue 18 – General Opposition of Plan Change

- (a) **Queenstown Airport Corporation Ltd** submits that the Plan Change does not accord with Part 2 of the Act and QAC seeks that the entire Plan Change be rejected and / or any consequential relief as a result of meeting the submission points.

**Queenstown Central Limited, Queenstown Gateway Limited, and Penelope Young** support this submission.

**Shotover Park Limited** opposes this submission and states that there is no resource management basis for opposing “any changes” to Activity Area 8. The height limits proposed are consistent with the height of buildings within the airport designation. The issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone

- (b) **Caroline Burnett** disagrees in principle with the objectives and specific details of what is proposed seems unclear. The submitter objects to large big box type retail facilities.

**Shotover Park Limited** opposes this submission and states that there is no resource management basis for opposing “any changes” to Activity Area 8. The height limits proposed are consistent with the height of buildings within the airport designation. The issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone

- (c) **Neki Patel** opposes the Plan Change and seeks that the Council needs to act for residents who live in the area and limit the expansions [proposed by the Plan Change] the history of the area needs to be readdressed so the residents are informed in a more user friendly way as the changes proposed and the huge number of changes are overwhelming for most people.

**Penelope Young** supports this submission

**Shotover Park Limited** further submits that the issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.

- (d) **Penelope Young** opposes the entire Plan Change until such time as Remarkables Park Limited honour an agreement made in 1992 to provide land for a local purpose reserve for tree planting.

- (e) **Queenstown Lakes District Council** submits that the applicant should provide a detailed structure plan to show how the development can proceed according to good urban design principals. An Outline Development Plan process (or similar) is required as at least a restricted discretionary activity before any further development is undertaken.

**Penelope Young** supports this submission

**Shotover Park Limited** submits in opposition that the issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.

- (f) **Queenstown Lakes District Council** submits on the whole Plan Change that the Council make any other changes or modifications as necessary to ensure that the

Plan Change can create high quality development that is required by the community.

**Penelope Young** supports this submission

**Shotover Park Limited** submits in opposition that the issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.

**Air New Zealand** submits on the whole Plan Change that the Council make any further or consequential amendments necessary to give effect to their submission.

#### Discussion of (a)

The submitter believes that the Plan Change should be rejected as it does not accord with the provisions of the Part II of the Resource Management Act unless their submission points are taken into account.

#### Recommendations

That the submission and supporting submission are accepted to the degree that they support the amendments made to the Plan Change to achieve the purpose of the Act. The further submission is rejected as it does not seem to relate to the original submission.

#### Reasons for the recommendations

Changes recommended by this report make a number of amendments that seek to improve the clarity of the Plan Change and the provisions for the Remarkables Park Zone, and more fully promote the provisions of the Act.

#### Discussion of (b)

The submitter opposes the changes proposed as part of the Plan Change and contends that the existing development is more of a retail park type development and is opposed to additional “big box retail”.

A number of amendments have been suggested by this report prevent the “watering down” of existing provisions within the Special Zone and allow additional provisions for Large Format Retail activities (as it is more desirable to place these activities together as opposed to creating entirely new areas) but with a stronger resource consent category to require better assessment of activities to ensure a high quality design.

#### Recommendation

That the submission be rejected, however, the changes proposed in this report may assist the submitter and her concerns about future development.

#### Reasons for Recommendation

For the reasons that have been outlined throughout this report, being that some of the proposed changes are considered to better promote the purpose of the Act and are recommended to be accepted, and other changes are considered not to better promote the purpose of the Act, and are recommended to be rejected.

### Discussion of (c)

The Remarkables Park Zone has been operative in the most part since 2003 and provides for a large mixed use area – providing for residential, visitor accommodation, commercial, retail and other community uses. As yet only the low density residential and Activity Area 5 have been developed, however the plan provisions provide for a very high level of development over the remained of the Zone. Much of the development is either permitted or controlled and does not allow opportunities for public input. It is unfortunate that usually members of the community are unaware of the planning framework for an area until building commences.

The District Plan review provides an opportunity for members of the community to understand the existing District Plan any proposed changes to it. Plan Changes and Private Plan Changes such as this provide opportunities for anyone to submit to and take part in the process of Plan formation.

The Plan Change is complicated and suggests a number of changes to the operative zone which are subtle and may be difficult for submitters who are not planners or lawyers to fully understand. As Plan Change 34 is a private Plan Change is not appropriate for the Council to lead any consultation process about the Plan Change. This could be considered a deficiency in the Act as it makes it more difficult for those interested to take part in the process.

### Recommendation:

That the submission is accepted in part, in that the amendments proposed in this report contribute to a more appropriate zone change. The further submissions are accepted in part.

### Reasons for Recommendation:

For the reasons that have been outlined throughout this report, being that some of the proposed changes are considered to better promote the purpose of the Act and are recommended to be accepted, and other changes are considered not to better promote the purpose of the Act, and are recommended to be rejected.

### Discussion of (d)

The submitter in her original submission has included a long history her family has had with Remarkables Park Limited (and/or related companies) as to the provision of land for a local purpose reserve for tree planting. The submitter requests that the Plan Change is not granted until such time as the agreement has been honoured.

On 22 April 2009 the Council lodged a caveat land against owned by Remarkables Park Limited in order to prevent future subdivision of land before the local purpose reserve has been provided and planted.

A copy of the caveat is provided as Appendix G to this report.

### Recommendation:

The submission is rejected as the Council cannot refuse to process a Private Plan Change.

### Reasons for Recommendation:

The Act does not provide for the rejection of a Plan Change based on other related planning issues or a history of non-compliance with agreements. The registration of the caveat by Council should assist in the reserve being provided as soon as the next subdivision is undertaken.

### Discussion of (e)

The Council requests that the applicant should provide a detailed structure plan to show how the development can proceed according to good urban design principals. An Outline Development Plan process (or similar) is required as at least a restricted discretionary activity before any further development is undertaken. It may be out of scope for this submission to require an Outline Development Process for all future development, however it is appropriate that either this process or the use of Limited Discretionary resource consent category is utilised for any further development of Activity Area 5.

### Recommendation

That the submission is accepted in part in that the amendments proposed in Component 1 making buildings a Limited Discretionary activity assist the submitter in their concerns relating to the lack of a strategic or comprehensive process to show how the development can proceed in accordance with good urban design principles.

### Reasons for Recommendation

For the reasons that have been outlined throughout this report, being that some of the proposed changes are considered to better promote the purpose of the Act and are recommended to be accepted, and other changes are considered not to better promote the purpose of the Act, and are recommended to be rejected.

Given the extent of the Zone and the scope of the Plan Change is would be difficult to require significant changes to the zone to enable a more thorough assessment in terms of urban design. If it is considered an issue for the Council then the proposed District Plan review may serve as a platform for this.

### Discussion of (f)

Queenstown Lakes District Council and Air New Zealand submit on the whole Plan Change that the Council make any other changes or modifications as necessary to ensure that the Plan Change can create high quality development that is required by the community.

### Recommendation

The submissions and further submission in support is accepted, while the submission in opposition is rejected. There may be wording or other changes required to the Plan Change to deliver good outcomes, this submission provides jurisdiction to undertake these if necessary.

### Reasons for Recommendation

Sometimes it is necessary to make amendments to parts of the Plan to enable the effective assimilation of additional provisions in the District Plan that may have not been anticipated. This allows submission enables jurisdiction for those change.