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18 November 2016

Queenstown Lakes District Council
Private Bag 50072
Queenstown 9348
Via email

Attention: Julia Chalmers
District Plan Administrator

Dear Julia

Re: Queenstown Lakes District Council's Proposed District Plan: Hearing Session (28 November)

I write on behalf of my client, Bunnings Limited (Bunnings), in relation to their submissions on the Proposed District Plan, specifically as regards the proposed provisions in the Business Mixed Use zone chapter (Section 16). Although I will not be attending the Hearings commencing 28 November, I would like to request that this letter be treated as evidence and tabled accordingly.

Having reviewed the section 42A report, and further to Bunnings' original submission, the key points I wish to address are as follows:

1. Original Submission

In the original submission, Bunnings raised a number of matters relevant to provisions of the commercial zones, summarised as follows:

- Bunnings accepted the permitted activity status for activities not listed in Table 16.4 but complying with all performance standards;
- Bunnings sought the inclusion of a new policy in the Business Mixed Use zone to ensure that the operational and functional requirements of non-residential activities are provided for;
- Bunnings sought to de-tune the urban design related matters for restricted discretion on all new buildings in the Business Mixed Use zone;
- Bunnings sought for the inclusion of a suitable definition for Bunnings' operations, through amendment to the definition of "Building Suppliers";
- Bunnings sought for either the deletion of the restricted discretionary activity status applying to Warehousing, Storage and lock-up facilities (including vehicle storage) and Trade Suppliers, or the amendment of Rule 16.4.6 to limit consideration to residential neighbors only in the matters for restricted discretion.



2. Section 42A Reports

The hearing report has responded to Bunnings' submission points and have recommended the following:

- The Section 42A report has addressed the need to include a flexible and pragmatic approach to the design and use of land, and considers that a new policy recognising the functional and operational requirements of non-residential activities is appropriate in this zone. The reporting planner has suggested the following wording for a new policy:

16.2.2.8 Apply consideration of the operational and functional requirements of non-residential activities as part of achieving high quality building and urban design outcomes.

- Bunnings' suggested deletion of Rule 16.4.6 has been rejected by the reporting planner on the basis that the activities listed in the rule may result in the construction of large utilitarian buildings, and specific consideration is therefore warranted.
- The reporting planner has also rejected Bunnings' suggested amendment to the matter of discretion in Rule 16.4.6, to limit the impact of buildings on neighbouring *residential* properties only (as an alternative to the deletion of the rule in its entirety, as addressed above). The reasoning for the rejection of this amendment is that only the impact on residential properties within residential zones could be considered, which effectively precludes residential activities located within the BMUZ.
- The Section 42A report has addressed the lack of an appropriate definition for a Bunnings activity, and instead of amending the definition of "Building Supplier" as sought in Bunnings' submission, it is proposed to include a new definition for "Trade Supplier" which will specifically include building suppliers in its definition. Changes sought to the definitions of "Commercial Activity", "Retail Activity" and "Large Format Retail" to specifically exclude "Building Supplier" has been rejected by the reporting planner on the basis that it is unnecessary to provide further clarity.

3. Response to section 42A reports

In response to the hearing reports, I make the following observations:

- I agree with the inclusion of policy 16.2.2.8 in the BMUZ as suggested by the reporting planner, as this will adequately address the need to consider the operational and functional requirements of non-residential activities in this zone.
- I agree with the recommendation of the reporting planner to include a definition of "Trade Supplier". It is considered that this definition would appropriately cover a Bunnings operation and will ensure greater clarity in future.
- I do not agree with the recommendation of the reporting planner to reject the suggested amendment to limit the matters for discretion to residential neighbours only for the following reasons:
 - The Business Mixed Use zone enables the establishment of a range and mix of compatible activities, including business and residential. The establishment of

residential activities in this zone is however acknowledged to be of a lower level of amenity than residential zones due to the mix of activities provided for. In this case, it is considered that the establishment of new buildings in this zone should only be required to consider the impact of residentially zoned properties, as consideration of the effects on all neighbours, including those in the BMUZ, could potentially prevent or impede the establishment of an activity on a site which is provided for in the Business Mixed Use zoning.

- Residential activities locating within the BMUZ are required to locate above the ground floor, and are required to comply with acoustic insulation. These provisions are considered to adequately mitigate any effects on residential activities in this zone. Further consideration of residential properties located in the BMUZ could result in reverse sensitivity effects which would not achieve the overall purpose of the zone, which is to enable a high intensity mix of compatible residential and non-residential activities.
- The BMUZ requires compliance with specific rules relating to sites adjoining residential zones, including building setbacks and height in relation to boundary controls. In this case, it would be inconsistent to require consideration of an activity on any other zone, as there are no corresponding rules restricting development adjacent to sites other than residential.

4. **Relief sought**

- Amend Rule 16.4.6 to limit the matters for restricted discretion to effects on residentially zoned sites only, as follows:

“Warehousing, Storage & Lock-up Facilities (including vehicle storage) and Trade Suppliers

***Discretion is restricted to consideration of all of the following:**

- **The impact of buildings on the streetscape and neighbouring residential properties in terms of dominance impacts from large, utilitarian buildings;**
- **The provision, location and screening of access, parking and traffic generation; and**
- **Landscaping.”**

I ask that you table this letter on the 28th November in place of personal attendance on Bunnings’ behalf at the hearing. Please do not hesitate to contact me should you have any queries regarding the above matters.

Yours faithfully

Barker & Associates Ltd



Matt Norwell

Director

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