



QUEENSTOWN LAKES DISTRICT COUNCIL
COMMISSION TO CONSIDER PLAN CHANGE 34 COMPRISING
Commissioner David Whitney (Chair)
Commissioner Bob Nixon
Commissioner Brian Waddell

REPORT & RECOMMENDATIONS OF INDEPENDENT COMMISSIONERS
PLAN CHANGE 34 : REMARKABLES PARK ZONE
RATIFIED AS A COUNCIL DECISION 22 NOVEMBER 2011

CONTENTS

1.0	THE HEARING	3
2.0	APPEARANCES	3
3.0	INTRODUCTION	4
4.0	NOTIFICATION AND SUBMISSIONS	5
5.0	DESCRIPTION OF PLAN CHANGE 34	5
6.0	STATUTORY REQUIREMENTS	6
7.0	THE EVIDENCE	7
	7.1 Submissions and Evidence for Remarkables Park Limited	7
	7.2 Submissions and Evidence for Submitters	11
	7.3 The Officers Report	14
	7.4 The Requestor's Right of Reply	16
8.0	ASSESSMENT	17
	Preliminary Findings	17
	8.1 Component [1] : Expand Activity Area 5	20
	8.2 Component [2] : Rezone area of Rural General land to RPZ Activity Area 2a	25
	8.3 Component [3] : Modifications to Activity Area 3	28
	8.4 Component [4] : Modifications to Activity Area 4	31
	8.5 Component [5] : Changes to zone standards for nature and scale of activities and hours of operation	34
	8.6 Component [6] : Changes to enable parking in AA4 and AA8	36
	8.7 Component [7] : Changes to facilitate passenger ferry transport	39
	8.8 Component [8] : Changes to airport related controls in the RPZ	40
	8.9 Component [9] : Changes to noise controls in the RPZ	44
	8.10 Component [10] : Changes to descriptions of prohibited activities	45
	8.11 Component [11] : Changes relating to site and building design within the zone	47
	8.12 Component [12] : Height of buildings in AA 8	56
	8.13 Component [13] : Miscellaneous amendments to the RPZ provisions	60
	8.14 - Other Matters raised in Submissions	65
	8.18	65
9.0	STATUTORY DOCUMENTS	73
	9.1 Objectives and Policies of the Otago Regional Policy Statement	73
	9.2 Objectives and Policies of the Queenstown Lakes District Plan	73
10.0	SECTION 32 RMA	76
11.0	PART 2 RMA	76
12.0	OUTCOME	77
Appendices		
Appendix	1 Plan Change 34 as amended by recommendations	
Appendix	2 Summary of the decisions requested, including the further Submissions	
Appendix	3 List of submitters and further submitters	
Appendix	4 Draft Indicative Master Plan	

1.0 THE HEARING

The hearing on proposed Plan Change 34 and submissions thereto took place at the Copthorne Hotel in Queenstown between Monday 29 August and Wednesday, 31 August 2011. An initial site visit was undertaken by the Commission on 29 August 2011 and a further site visit was undertaken on 31 August 2011.

2.0 APPEARANCES

For the Requestor, Remarkables Park Limited;

Mr John Young, Brookfield Lawyers, Legal counsel (who also appeared for **Shotover Park Limited**)

Mr Jeffrey Brown, Resource Management Planning Consultant, Brown and Company Planning Group

Ms Natalie Hampson, Senior Consultant, Market Economics Limited

Mr Anthony Penny, Traffic Engineering Consultant, Traffic Design Group

Mr Michael Lee, Civil Engineer, Airey Consultants Ltd

Mr Benjamin Espie, Landscape Architecture Consultant, Vivian + Espie Limited

Mr Nicholas Rae, Urban Design and Landscape Architect, Transurban Limited

Mr Alistair Porter, Director, Remarkables Park Limited

Submitters;

For Queenstown Airport Corporation

Ms Amanda Dewar, Legal counsel

Mr Stephen Sanderson, Chief Executive Officer, Queenstown Airport Corporation Ltd

Ms Alison Noble, Resource Management Consultant, Mitchell Partnerships Limited

Mr Neki Patel

Mr James Gardner-Hopkins, Legal counsel, **Air New Zealand Limited**

Ms Katia Fraser, Legal counsel for **The Minister of Education**

Mr Lindsay Williams, Director, **Savanna Group Limited**

Mr John Edmonds, for **Queenstown Gateway Limited** and **Queenstown Central Limited**

Ms Penelope Young

A brief note (email) was tabled from **Sarah Valk** of the **Otago Regional Council**.

Officers in Attendance;

Ms Alyson Hutton, Senior Policy Analyst, Queenstown Lakes District Council

Ms Hutton prepared a section 42A report on PC 34

Ms Ruth Joiner, District Plan Administrator, Queenstown Lakes District Council. Ms Joiner provided administrative support at the hearing.

Abbreviations

PC 34 – Proposed Plan Change 34

AA – Activity Area

AMUZ – Airport Mixed Use Zone

DP – Queenstown Lakes District Plan
RPZ – Remarkables Park Zone (also referred to as Remarkables Park Special Zone)
EAR – Eastern Access Road
PC 19 – Proposed Plan Change 19
ASANs – Activities Sensitive to Aircraft Noise
RMA or the Act – Resource Management Act 1991
RPL – Remarkables Park Limited (the Requestor)
PC 35 – Proposed Plan Change 35
NOR – Notice of Requirement
ONL(DW) – Outstanding Natural Landscape (Wakatipu Basin)

3.0 INTRODUCTION

PC 34 seeks to make a number of amendments to the provisions of the **Remarkables Park Zone** that are contained in Section 12 of the Queenstown Lakes District Plan.

The RPZ covers an area of approximately 150 ha on the Frankton Flats east of Queenstown, and is bounded by Queenstown Airport to the north, the Kawarau River to the south, and the existing urban area of Frankton to the east. Development within the RPZ is managed under a Structure Plan which includes a number of Activity Areas (AAs) with their own lists of activities and rules over buildings and other development. In summary these comprise the following as detailed in **Appendix 1** to these recommendations:

- AA1 - low-density residential area on the eastern side of the zone, which is now largely developed.
- AA2a -- a strip of land following an escarpment above the Kawarau River along the southern side of the zone, comprising legal road
- AA2b and 2c- two small reserve areas on the south-eastern side of the zone.
- AA3 - an undeveloped area of land on river terraces in the southern portion of the zone.
- AA4 - two undeveloped areas in the south and centre of the zone.
- AA5 - a largely developed commercial/retail area on the western side of the zone.
- AA6 - an undeveloped area in the central/northern part of the zone.
- AA7 - an undeveloped strip of land on the southeastern side of the zone above the Kawarau River and adjacent to AA2a.
- AA8 - a large undeveloped area primarily located on the northern side of the zone adjacent to Queenstown Airport, but also including a strip of land immediately east of AA5 located under the approach surfaces for the cross runway at Queenstown Airport.

AAs 3, 4, 6 and 7 comprise a substantial part of the zone and are identified for a mix of residential, community, educational, health, day care and retail activities according to the rules of the RPZ. Activities in AA8 are significantly constrained by airport noise restrictions or approach plane surfaces.

Existing roading is located on the western side of the zone with access to the RPZ from Hawthorne Drive off State Highway 6 (SH6) via Lucas Drive, which passes alongside Queenstown Airport. It is proposed that Hawthorne Drive will extend through the RPZ to the east and northeast beyond the eastern end of the airport main runway, and will link with SH 6 to the north of the airport. This road, described as the "Eastern Access Road" will form a loop from SH6 around the airport. That part of the EAR that passes through the RPZ and past the runway has been partially formed as a haul road. The mostly rural area north of the airport is planned for a mixture of commercial/industrial redevelopment pursuant to PC 19.

4.0 NOTIFICATION AND SUBMISSIONS

The private Plan Change was initially lodged in March 2008 but was placed on hold due to a Council request for further information. In December 2010 the applicant lodged an amended Plan Change which replaced the previous version, and the Council commenced processing this Plan Change as Plan Change 34.

A summary of Plan Change 34 was presented to the Council's Strategy Committee on 1 February 2011 that resolved to accept the plan change for processing. Plan Change 34 was notified for submissions on 27 April 2011 with submissions closing on 27 May 2011.

A letter dated 11 August 2011 from Remarkables Park Limited clarified two items in relation to what was sought in terms of the Structure Plan, and the Structure Plan approved under RM 09032; and why the AA6 boundary has moved north of the proposed EAR.

A total of 27 original submissions and 5 further submissions were received. **Appendix 2** contains a summary of the decisions requested, and includes the further submissions received. There were no late submissions.

Our recommendations assess the matters raised by submitters in respect of each submission point, and we make recommendations as to whether these should be accepted, accepted in part, or rejected.

5.0 DESCRIPTION OF PROPOSED PLAN CHANGE 34

The proposed Plan Change seeks a number of changes to the existing Remarkables Park Zone and seeks to rezone additional land to include this in the Remarkables Park 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 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 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 has been described by the requestor as being made up of a number of "components" which in turn forms the basis for grouping submissions and assessing PC 34 as set out below.

6.0 STATUTORY REQUIREMENTS

Plan Change 34 (PC 34) is a privately initiated plan change to the Operative Queenstown Lakes District Plan. Section 73(2) provides that any person may request a territorial authority to change a district plan, and the procedure for this is specified in Part 2 of the First Schedule to the Act. Clause 29 then provides that Part 1 of the First Schedule applies to the consideration of privately initiated plan changes.

Clause 10 of the First Schedule requires that a local authority give a decision on the matters raised in submissions, and the reasons for accepting or rejecting the submissions, although it is not required to give a decision that addresses each submission individually. The decision may also include making any consequential amendments necessary to the proposed plan arising from submissions.

Section 75 of the Act states the contents of district plans. Subclause (3) states:

- (3) a district plan must give effect to-*
- (a) any national policy statement; and*
 - (b) any New Zealand coastal policy statement; and*
 - (c) any regional policy statement.*

Subsection (4) goes on to state that a district plan must not be inconsistent with a water conservation order or a regional plan on any matter specified of regional significance.

Section 74 states as follows;

a) Matters to be considered by territorial authority

- *(1) A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part 2, a direction given under section 25A(2), its duty under section 32, and any regulations.*

(2) In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to—

- *(a) any—*
 - *(i) proposed regional policy statement; or*
 - *(ii) proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and*
- *(b) any—*
 - *(i) management plans and strategies prepared under other Acts; and*
 - *(ii) [Repealed]*
 - *(iia) relevant entry in the Historic Places Register; and*
 - *(iii) regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),—*

to the extent that their content has a bearing on resource management issues of the district; and

- *(c) the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.*

(2A) A territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

(3) In preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition.

(emphasis added by underlining)

The Commission is only empowered to make a recommendation to the territorial authority, in terms of the limits of its delegated authority under section 34A (1) of the Act.

7.0 THE EVIDENCE

7.1 Submissions and Evidence for Remarkables Park Limited

Mr Young described PC 34 as "*effectively an updating exercise*" in his submissions. He said that further flexibility was needed in terms of the location of certain significant developments such as educational facilities, to meet the needs of investors and joint venture partners. He described PC 34 as containing 13 components, which were not interrelated or independent, and which were intended to remove impediments such as "*outdated activity area boundaries, unnecessary rules and anomalous and uncertain plan provisions*". He said RPL preferred to address these issues through the transparent approach of a plan change, rather than resource consents.

Mr Young was particularly concerned with the submissions from Air New Zealand Limited (ANZL) and Queenstown Airport Corporation Limited (QAC). He submitted that PC 35 never proposed that activities sensitive to aircraft noise (ASANs) be prohibited within the outer control boundary (OCB) within the RPZ land. He noted that ANZL had in fact supported PC 35, but now sought to impose more onerous provisions on the RPZ through submissions on PC 34. He added that in practical terms, restrictions should not be based on a potentially extended OCB because its position was not yet known. With respect to the PC 19 land to the north of the airport, PC 35, had deliberately applied a different planning regime. With regard to the restrictions on noise sensitive activities set out on Figure 2 in PC 34, he said that the relief sought by QAC was an attempt to address alleged defects in PC 35. He observed that if PC 34 was withdrawn, the concerns raised by QAC would still remain. He was critical of the rather vague opposition in the Queenstown Lakes District Council (QLDC) submission and the lack of evidence supporting it.

Mr Young submitted that the wide ranging concerns expressed about the RPZ such as infrastructure demand, would only be relevant to a complete rezoning of the RPZ land, not a plan change making relatively minor amendments. He added that the existence of activities permitted by resource consent within AA8 would not prevent or hinder a public work, and that allegations of lack of consultation were incorrect given that RPL and QAC had been in discussions for more than two years. He submitted that the officer's report did not take adequate account of what was already permitted under the operative zone, and that the changes proposed were of minor significance.

Mr Jeffrey Brown presented evidence in two parts. He usefully set out the zoning pattern around Queenstown Airport including that of the RPZ and the component changes proposed, and this was relevant to the matters we had to consider. He explained that PC 19 affected 69 ha of land north of the airport which had a bias towards industrial/business/residential and commercial activities. Hearings of appeals on PC 19 were expected to begin in late January 2012. PC 35 promoted by QAC was currently under

appeal and was being dealt with in tandem with PC 19. Two NOR issued by the New Zealand Transport Agency (NZTA) and the QLDC sought to provide for the "Eastern Access Road" through the RPZ and on through PC 19 land to SH6 east of Frankton. Finally, QAC had lodged with the Environmental Protection Agency a NOR to expand the airport designation over 19 ha of land in the northern part of the Remarkables Park Zone (this was described as Lot 6 DP 304345 and comprised the northern part of AA8). This NOR has been opposed by RPL. The Minister for the Environment has referred this NOR to the Environment Court.

The various components of PC 34 are described earlier in this report. The following briefly summarises Mr Brown's conclusions with respect to the evidence and submissions. His key points were as follows:

- Component 1; RPL considers that the expansion of retail area AA5 is best achieved through a plan change rather than a resource consent, and would allow an additional 30,000m² of gross floor area (GFA) comprising predominantly large floor space retail activities. The extension of AA5 across Hawthorne Drive to the north accords with the Queenstown Airport Master Plan, would enhance the amenity of area, and can be safety linked to the southern portion of AA5 by a pedestrian crossing.
- Component 2; identifying the remaining component of the river corridor area as AA2a is more logical in terms of the existing zoning pattern adjacent to the Kawarau River, and the existing Rural General Zone allows for a range of activities that would allow a greater degree of landscape change than AA2a.
- Component 3; language schools and educational facilities are common in Queenstown; their effects are unlikely to be greater than other activities provided for in AA3, and any effects can be addressed by way of conditions on consents.
- Component 4; there was no basis for not enabling health facilities in AA4, and these can be designed to achieve an internal design sound level of 40 dBA Ldn.
- Component 5; the non-residential activities provided for through PC 34 are compatible with residential and non-residential activities which are already exempted from rules on the nature and scale of activities and hours of operation. There is scope to impose conditions on these activities through a controlled activity provision.
- Component 6; the southern leg of AA8 is unsuitable for any activities other than parking and landscaping, and would enable integrated use of carparking by different retail activities. It was unlikely that carparking would be established without fulfilling a specific need. He considered that a new clause could be added to Rule 12.11.3.2 to provide for greater control over landscaping, vehicle access and pedestrian movement.
- Component 7 concerned river transport and was not contentious.
- Component 8; QAC was the only submitter, and the height of buildings is dealt with under Component 12.
- Component 9; AA2a and AA8 already anticipate non-residential activities, albeit to a lesser extent than some other activity areas, but it was still appropriate to provide exceptions from noise controls for these activities for reasons of consistency.
- Component 10; there were ambiguities in the existing rules restricting prohibited activities relating to motor vehicle repairs, and while he agreed with the reporting officer that the wording proposed through PC 34 required modification, it was still helpful to amend the rules.

- Component 11; in terms of site and building design, he considered there was already adequate provision to consider the wider landscape issues. He opposed restricted discretionary activity status on the basis that if activities were deemed appropriate within a zone, controlled activity status should be applied. He said there was already provision in the rules for the Remarkables Park Design Review Board to consider over height buildings in the RPZ, and that for reasons of efficiency it would be best for the Board (which had independent membership) to consider all the design aspects related to development in the RPZ. For practical purposes, the Board already existed and was enshrined in the rules.
- Component 12; commercial recreation buildings in AA8 may need to be higher than 7m. Over height buildings within the airport transitional slopes were addressed through a specific separate rule.
- Component 13; it was inappropriate to align the boundaries of AA8 and AA6 at the Eastern Access Road (EAR), as this would result in a significant amount of land being lost within AA6, and any buildings could be acoustically treated.

Mr Brown acknowledged that there could be design issues at the interface between large floor space retail buildings and residential development, but noted that existing “big box” retail in the RPZ such as Mitre 10, The Warehouse, and New World had succeeded in promoting good design.

Mr Brown noted that the changes to activity area boundaries and to the alignment of the EAR had been made in accordance with a resource consent (RM 090321) granted in 2009.

On the key issue of contention with the reporting officer (activity status), he was not aware of any instances where activities had been refused because of discretionary activity status, although only part of the RPZ had been developed; the concern was the potential uncertainty of obtaining consents for activities that are anticipated within these Activity Areas, and to a lesser extent the need to get written consent from neighbours.

Mr Brown noted that the QLDC submission would only be relevant if the RPZ was a whole new zone. Concerns about impacts on the State Highway network were not justified, particularly given that NZTA was not a submitter. Management of airport noise issues were properly the subject of PC 35. District wide objectives were already achieved through the operative RPZ, and he reiterated the comments of Mr Young that PC 34 would *better achieve* the purpose of the Act than the provisions of the operative RPZ.

Ms Natalie Hampson presented evidence focused primarily on the justification for further retail expansion of the existing AA5 in the RPZ. Her evidence addressed expected retail growth in the Queenstown Lakes District with a particular focus on the Queenstown Frankton area. She said the RPZ already captured 41% of total resident expenditure in the Queenstown catchment, and that growth projections indicated that demand for additional retail and service floor space would be in the range of 95,000 to 118,000m² GFA by 2031. She indicated that the capacity of the Queenstown retail catchment, including that in AA5, was nearing saturation point. She considered that AA5 was well-placed to provide for large floor space retail associated with resident households, but that categories such as automotive, hardware, recreation and leisure services would largely or entirely be met outside of the RPZ.

Ms Hampson concluded that expanding the Remarkables Park shopping centre would cater for a large part of retail demand. While acknowledging the potential of the northern Frankton Flats (Queenstown Gateway), she considered that the Queenstown Town Centre and the RPZ would be the two main retail hubs for the Queenstown area in the short to

medium term. She also considered that PC 34 would help promote good urban form outcomes, as it would consolidate growth in an existing centre. She saw the AA3 area as serving a demand for smaller more boutique style of retailing for visitors and residents.

Mr Tony Penny described the traffic effects of PC 34, with a particular emphasis on the extent to which the rearrangement of land use activities within the RPZ would affect the safety and efficiency of the traffic network. His evidence was informed by the Transportation Assessment Report (TAR) prepared for PC 34; the modelling undertaken by his firm Traffic Design Group (TDG) on behalf the District Council with respect to PC 19 and the use of this model to simulate the traffic effects of PC 34; and the Wakatipu Transportation Strategy (WTS). He outlined traffic improvements proposed which included demand management; the establishment of the Eastern Access Road between the two 'arms' of State Highway 6; and improved intersections which he considered would result to an acceptable level of service for roads in the Frankton Flats area. He said that the RPZ was expected to be the largest traffic generator in the Frankton Flats (5400 vph) followed by the PC 19 area (4150 vph) and the existing residential area of Frankton (2550 vph).

Mr Penny estimated the future residential area within AA4 and AA6 'displaced' by the proposed extension of AA5, would have generated about 300vph. The development allowed for under an extended AA5 would result in the RPZ generating 1600vph during the evening peak and traffic generation within the RPZ as a whole increasing from 5500vph to 6800vph; however he thought this was a conservative estimate, because of opportunities for combining trips. He noted that the EAR would carry high traffic volumes (in response to a question he estimated 15 to 19,000vpd), but insisted that safe pedestrian access could be provided across the EAR with roundabouts replaced by traffic signals. He did not think that the severance of AA6 by the EAR would create safety issues for pedestrians that could not be mitigated, bearing in mind that the road would be median divided. He envisaged zebra crossings from developments serving multiunit developments. In his opinion, the proposed road network within the RPZ provided sufficient space for bus stops and for cycle lanes. He did not think the EAR would be used as a through route, because the state highway would still be quicker. He said (para 68) that with "*the road network improvements identified by the WTS, any traffic effects due to PC 34 will be small and not be noticeable to drivers*".

With respect to parking provision, he considered there were advantages in providing an integrated parking area, rather than requiring parking to be provided for each individual activity. He said that the latter approach can result in an oversupply of parking, as an integrated carpark can serve multipurpose shopping trips. For this reason he did not support discretionary activity status for the proposed parking area within AA8 as proposed by the reporting officer.

Mr Michael Lee prepared evidence relating to the effects of PC 34 on water supply, wastewater and stormwater servicing. His conclusions were that in the context of servicing the entire RPZ or Frankton Flats as a whole, the changes in demand on these services would be very small, and logically formed part of a planned staged development of services in the Frankton Flats area. In the case of an extended AA5 , the reduced areas of industrial land north of Hawthorne Drive and residential activity displaced from AA4 and AA6 would result in reduced demands on water supply and stormwater. We noted in response to questions that the stormwater system currently in use in the area relied on rudimentary cesspit (mudtank) type systems.

Mr Benjamin Espie presented evidence relating to the landscape impacts resulting from PC 34. He referred to the "Assessment of Landscape and Visual Effects" that had been prepared by Dr Michael Steven of his consultancy firm for PC 34. He began by addressing the proposed extension of AA2a along the section of escarpment adjacent to the Kawarau River. In his opinion there was little likelihood of the land being developed in a manner

inconsistent with the outstanding landscape identification of this land. The land was in the ownership of the Council that would exercise ultimate control, and was too steep to allow for significant building activity - which was in any event significantly restricted by the rules within this Activity Area. He expected that the land would ultimately become public reserve with any development confined to the immediate riparian margin, which was in Crown ownership.

With respect to the building heights sought in the AA8, he considered that development in this area would be regulated through conditions on consents and reviewed by the Remarkables Park Design Review Board. The rules were likely to result in much of the area having an open space character. He also noted that large-scale buildings could be developed in association with adjacent Queenstown Airport and on the PC 19 land beyond to the north.

Mr Espie considered the proposed amendments proposed to Policy 5 of Objective 7 were logical given that the current wording referred to development sympathetic to alpine landforms, lakes and views of both. He said that lake views were not possible from the RPZ. He considered the proposed changes in policy wording would simplify the policy framework.

Mr Nicholas Rae was the final witness called by the requestor, and addressed urban design issues. He commented in detail on the numerous specific changes proposed through PC 34. Some of his key points were as follows;

- the extension of AA5 across to the northern side of Hawthorne Drive into the AMUZ would result in activities likely to have a higher standard of visual amenity and produce a greater variety of urban design outcomes, which would be better integrated with the adjoining RPZ development as a whole.
- He preferred a more flexible 'master plan' approach to an outline development plan, particularly given development would evolve in character, and subject to the assessment by the Remarkables Park Design Review Board.
- He considered that educational facilities took a variety of forms, and the development of such facilities would be entirely appropriate in AA3.
- While accepting that large expanses of car parking can have an adverse urban design outcome, he considered linking car parking provision to specific activities could lead to an oversupply of car parking. He agreed that the amendments proposed to PC 34 could improve the standard of linkages within car parking areas.
- He considered that allowing buildings up to 18m high in AA8 was consistent with adjoining areas within the RPZ, and was subject to design assessment.
- In his view it was not appropriate to require building design to reflect the qualities of a 'mountain village', as these qualities were not well defined. He considered that it was preferable to allow a variety of design outcomes reflecting that which had already been achieved within the RPZ which was an urban environment. Continued protection of view shafts were important.
- In his opinion it was not necessary to have clusters of buildings in the RPZ.
- He considered extending AA6 to the northern side of the EAR would be of little significance in terms of visual appearance.

7.2 Submissions and Evidence for Submitters

Ms Amanda Dewar presented legal submissions on behalf of Queenstown Airport Corporation (QAC). She stated that changes to AA8 through PC 34 affected the land subject to the Notice of Requirement (NOR) by QAC over Lot 6. She considered that these

changes effectively increased the value of the land, and hindered the public work in a manner contrary to section 178 of the RMA. She contested submissions by Mr Young that an agreement had been reached between RPL and QAC with respect to the development of the AMUZ north of Hawthorne Drive. She also considered that PC 34 was not a “narrow” plan change, but one that was relatively wide in scope and which allowed noise sensitive activities to establish closer to the airport. She submitted that PC 34 had changed the RPZ significantly from the time when PC 35 was lodged and submissions heard by commissioners.

Mr Stephen Sanderson, the CEO of Queenstown Airport Corporation, presented evidence. He explained the history of the airport noting that it was now the fourth largest airport in New Zealand in terms of turnover. He said the airport had been engaged in a master planning exercise and it was projected that scheduled aircraft movements and passenger numbers would treble by 2037. He said it was important in this context to provide for the continued operation of the airport.

Mr Sanderson set out the background to development adjacent to the airport and a land swap involving consolidation of RPL land south of the airport, which included Lot 6 (comprising part AA8) coming into RPL ownership. QAC was particularly concerned about the implications of PC 34 given Lot 6 was subject to the NOR, now before the Environment Court. He said Lot 6 would be required for general aviation purposes. He stated RPL has generally opposed almost all of QAC’s proposals, and that events illustrated that urban development including noise sensitive activities should not be located in proximity to an airport.

Ms Alison Noble presented planning evidence of behalf of QAC. Her concerns were that PC 34 enabled more airport noise sensitive activities to locate within the *proposed* (under PC 35) noise contours, notably the ‘outer control boundary’ set at the 55 dB Ldn contour, which accorded with the accepted airport noise standard NZS 6805:1992. She explained that the QAC submission differed from that of Air New Zealand Limited in that it did not seek that the new contours be applied to the RPZ, but rather that the existing restrictions and rules on noise sensitive activities remain the same as they were within the RPZ prior to the notification of PC 34. By way of example, she expressed concern about the extension of AA6 and AA7 closer to the airport as these allowed residential activity, and by seeking that health and day care activities in AA4 be controlled rather than discretionary activities. The realignment of the EAR in itself was not an issue.

Ms Noble noted that under PC 35 the noise boundary overlays the RPZ, but the airport related zone rules were particular to each Activity Area. These had been amended by commissioners as part of the decisions on PC 35, but there were concerns about the scope to make these changes.

Ms Noble opposed the use of the AMUZ land north of Hawthorne Drive for retail activities on the basis that it was needed for airport support purposes, and that it would create an isolated island of retail activities. She considered that amendments to AA8 through PC 34 would change the character of that part of the AA8 subject to the NOR, which required the land for airport related activities.

Mr James Gardner-Hopkins presented legal submissions on behalf of Air New Zealand Ltd (ANZL). He said that while ANZL generally supported the plan change, it was concerned that activities sensitive to aircraft noise (ASANs) should be prohibited within the noise contours as now proposed under PC 35. He did however offer the suggestion that recognising existing development, it might be more appropriate to extend the same (pre PC 34) restrictions out to the new OCB, rather than impose prohibited activity status.

For practical purposes ANZL is more concerned about extensions of AA6 and AA8 than about AA2a. ANZL preferred the definition of ASANs in PC 35 than the list of activities by activity area approach contained in Table 1 under PC 34. The latter creates problems when the OCB (noise contour) moves.

Mr Gardner-Hopkins firmly rejected any suggestion that ANZL submission was beyond jurisdiction, although he noted that QAC accepted that there may be an issue in this respect. Like QAC however he considered PC 34 was not a 'narrow' plan change, and that it was open to a submitter to seek amendments reflecting changes in the environment. While agreeing that it was appropriate to seek the best outcome in terms of the RMA, the task was not necessarily to evaluate what might be better for the landowner. He drew attention to case law which he said strongly supports the importance of protecting airports from ASANs. In his paragraph 3.16 he stated "*It is appropriate to update the RP Zone provisions to reflect the PC 35 OCB contour line; or, given the challenge to the contour in PC 35 appeals, at the very least "future proof" the provisions of the RP Zone*".

Ms Katia Fraser presented legal submissions for The Minister of Education. She explained that the Minister's concerns related to the proposed selection of a new high school site in the RPZ. She opposed the relief sought by Air New Zealand Limited and QAC on the grounds that it was outside the scope of both PC 34 and PC 35. The crux of her case was that the relief sought by the submitters and the proposed restrictions on ASANs would defeat the ability to establish a high school in the RPZ. She contended that a school could be built with sufficient noise insulation. (It was confirmed at the hearing that the new Remarkables Primary School was within the OCP, albeit under an old designation).

Mr Neki Patel explained that he had lived in the Queenstown District for 19 years and that his mother lived in Frankton at 42 Elm Tree Avenue. He said PC 34 was complex and difficult for the public to comprehend, and that this may have led to a low level of public participation. He was concerned about some of the terminology used in PC 34 and the changed status of some activities in terms of whether this provided open slather for future development. He considered there was a history of things being promised that had not been delivered. He said access from the residential area of the RPZ zone to the commercial area in AA5 was poor and there were no safe routes for people through the car parking areas. He doubted the need for 18m high buildings in AA8. In his opinion buildings over 12m high needed to be special, have regard to views, and respect the mountain environment. In response to questioning he stated that existing RPZ policy terms like 'local environment' and 'mountain village' related better to future built development than the proposed term 'urban environment'.

Mr Lindsay Williams gave evidence as a director of Savanna Group Limited which he explained had a contract to purchase most of the land within the AMUZ, which PC 34 seeks to include in retail area AA5. He challenged the position of QAC with respect to any restrictive covenant over the land, and presented a copy of a 2006 deed which he stated indicated that QAC would not oppose commercial development on the land. He said that given QAC had sold the land, this indicated that it was not needed for airport support purposes, a fact which he submitted was further emphasised by the NOR over part of AA8. He doubted whether the activities on the site would generate significant pedestrian movement, and claimed by way of example the State Highway 6/6A roundabout in Frankton which he asserted enabled pedestrians to cross the road safely. He considered retail development on the site would produce a better visual outcome compared to the untidy appearance of the current AMUZ activities.

Mr John Edmonds presented brief verbal evidence of behalf of Queenstown Gateway Limited and Queenstown Central Limited. He adopted the evidence of the QAC, and

clarified that it was the reconfiguration of the activity areas rather than the underlying RPZ zoning which was at issue.

Ms Penelope Young has been a resident of Riverside Road for 47 years and her property is adjacent to the Kawarau River and adjoins the RPZ. She is concerned at the number of plan changes and consents affecting the RPZ land, and the alleged failure to meet landscape obligations and designate land for local reserves. She is particularly concerned about an area of land close to the Young property which has not yet been vested in the Council. She considers that PC 34 provides the best opportunity to rectify previous omissions and to designate reserve areas along the Kawarau River.

Ms Young also opposed the extension of AA2a on the grounds that this would enable a wider range of activities, and that the land was still legal road. Ms Young also considered that stronger control was needed over structures adjacent to or within the river, and opposed any ferry stopping points. She also opposed liberalisation of rules relating to non-residential, educational, health and day care facilities in the RPZ, as well as standalone car parking. She called for PC 34 to be rejected.

The email from the **Otago Regional Council** (Sarah Valk) stated that liquefaction remained an issue as previous conditions on subdivision consents only address areas of fill and not in-situ material.

A summary of the matters requested in all submissions, including further submissions, is presented at **Appendix 2** to this report.

7.3 The Officers Report

Ms Alyson Hutton's report provided a lengthy assessment reflecting the complexity and nature of the detailed changes proposed through PC 34. A consistent theme in her report was a general opposition to liberalising rules to make activities controlled activities, on the basis that this provided insufficient control over the nature of activities or the design of buildings, and would make it difficult to decline consent should a proposal be considered inappropriate. In summary her conclusions with respect to the components of PC 34 were as follows:

- Component 1 - she opposed incorporating the AMUZ area north of Hawthorne Road into AA5 on the grounds that it would create an 'island' of commercial activity separated by a busy road from the RPZ commercial centre, which would discourage pedestrian movement. She also considered that the land might be needed in future for airport related purposes. She supported the extension of AA5 over part of AA4 and AA6, subject to restricted discretionary activity status for buildings.
- Component 2 - she opposed the extension of AA2a along the Kawarau River, as this would provide less control over inappropriate development, preferring the retention of Rural General zoning.
- Component 3 - she opposed liberalised provision for educational activities in AA3 as this was a higher amenity area; that education facilities were already provided for in AA4 and AA5; and that discretionary activity status was appropriate to assess effects.
- Component 4 - she opposed liberalised provision for health and day care facilities in AA4 as these were already provided for in AA6; and that discretionary activity status was not disabling.
- Component 5 - she opposed the liberalisation of rules on the nature and scale of activities and hours of operation for non-residential activities in areas other than AA1

on the basis that these activities created potentially greater adverse effects than those currently exempted, using as an example activities such as licensed premises which she said should not be able to establish by way of controlled activity status adjacent to residential activities.

- Component 6 - she opposed provision of car parking as a controlled activity in AA4 and AA8 , as this could result in an oversupply of poorly designed and located car parking within two Activity Areas with an area of 81 ha.
- Component 7 - she supported the proposal for a second stopping point on the Kawarau River noting that any such facilities would be subject to resource consent.
- Component 8 - she opposed the series of amendments proposed within the RPZ relating to airport height controls on the grounds that there was no clear evidence of an agreement between RPL and QAC on the matter; and that it prejudged the outcomes of appeals on PC 35.
- Component 9 - she opposed as unnecessary the addition of exemptions allowing a greater tolerance for noise generation from non-residential activities in AA2a and AA8 (5 dBA) as these activities were confined to commercial recreational activities.
- Component 10 - she opposed the amendments to the description of prohibited activities on the grounds that while there were some ambiguities, the changes proposed by the applicant would inadvertently provide for motor vehicle repair, spray painting, etc being made permitted activities, subject only to site standards. She said that concerns that activities such as bottle storage would make associated restaurants and bars prohibited activities was based on an unjustified interpretation of activity status being made by Council officers.
- Component 11 - she opposed the expansion of the functions of the Remarkables Park Design Review Board as being unnecessary and she considered that in future reliance should be placed on the Council's Urban Design Panel instead.
- Component 12 - she noted that legal advice to the Council was that the proposed changes to AA8 would potentially change the land value of Lot 6 within AA8 subject to the NOR, but that this would not hinder the public work. However she considered most commercial recreational buildings would be less than 7m high, and there was no need to provide greater building heights.
- Component 13 - she supported the numerous minor changes proposed, except for that which resulted in the boundary of AA6 being moved 20m closer to the airport, and the bisecting of AA6 by the EAR.

Ms Hutton considered that the concerns raised by the Otago Regional Council with respect to liquefaction had already been considered under the 2009 subdivision consent. She did not support the conclusions of Queenstown Central Limited and Queenstown Gateway Limited with respect to effects on the road network, as these were unsupported by any evidence and there was no submission from the NZTA. She was concerned however, that the applicant's request for provision for car parks as an activity could result in additional traffic generation. Her general conclusions were to 'accept in part' submissions either fully supporting or opposing PC 34.

Ms Hutton did not change her position fundamentally following the hearing of the evidence. She maintained that the existing large car parking area did not work well for pedestrians and that discretionary activity status was necessary to impose proper conditions on large-scale car parking. She preferred full discretionary to restricted discretionary activity status as reflecting the status quo, and that this had not created problems for the applicant in the past. She advised that the RPZ rules allow for a movement of 10% in the boundary of

activity areas, and that the isolated strip of AA6 had resulted from a controlled activity resource consent for subdivision. She had reservations about using a master plan in the manner of an outline development plan, because it had not been through a plan change process, and would not provide certainty to either the applicant or the community. With respect to carparking, she doubted whether the Council could refuse an application on the grounds of oversupply, whereas a refusal would be possible as a restricted discretionary activity. Although there was no scope to address the status of the Remarkable Park Design Review Board, she still favoured continuing the use of the Council's Urban Design Panel. She said the Panel was not restricted by district plan matters, and its advice could inform consent planners when they assessed an application. She still opposed the proposed extension of AA2a into the Rural General Zone.

7.4 The Requestor's Right of Reply

Mr Young submitted that the weight of expert evidence was heavily in support of PC 34 and that the evidence of Ms Hampson, Mr Penny, Mr Lee, Mr Espie, and Mr Rae was not opposed by expert witnesses.

With respect to the extension of AA2a, he commented that notwithstanding the officer's concerns about potential environmental impacts on land identified as an ONL (Outstanding Natural Landscape), large-scale works had been carried out in the Shotover River delta (also an ONL) by QAC, the QLDC, and the Otago Regional Council.

Mr Young submitted that the case law relied on by QAC to support their view that PC 34 hindered the NOR in fact related to consent applications, not plan changes, and in any event did not represent circumstances relevant to PC 34. He said the Commission could not determine contractual issues involving the parties, and that QAC was simply seeking to exercise leverage. In terms of comparisons with PC 19, he said that much of that plan change was still open to challenge. He maintained that buildings higher than 7m were justified in AA8, were considered acceptable by the Council in the PC 19 area, and added that the Queenstown Events Centre has a height of 14.7 m.

Mr Young also submitted that the PC 35 decision did not apply the new OCB, but rather applied restrictions within the 58 dBA contour. He maintained that QAC was intending to rely on the new noise contours by making more noise, but not internalising its effects. In response to a question, he considered QAC should provide noise insulation of affected buildings at its expense. He said the Commission had no noise, aviation, or airport master planning evidence before it, and that the noise contours were under challenge through the Environment Court. These were issues that it was not appropriate for the Commission to determine. He added that 44 persons had submitted opposing PC 35, many of which were Frankton residents. Mr Young submitted that had they been aware that QAC was seeking to advance airport expansion via PC 34, they may well have chosen to lodge submissions. In his submission, this was a strong argument that the submission was not "on" PC 34.

Mr Young identified the key issue between Mr Brown and Ms Hutton as the applicant's contention that if an activity is anticipated within an Activity Area, it should not have a status which means it could be declined. He said applications for restricted discretionary and discretionary activities can be time-consuming and uncertain, whereas controlled activity status enables the applicant to have control over timing issues, while the Council can impose conditions which the applicant would have to appeal if it didn't accept them.

Mr Young said the realignment of the EAR has created only a minor sliver of additional land closer to the airport which he considered would have a minor effect. He said RPL opposed extending AA8 south to the EAR, as the buffer area between AA6 and the airport was already extensive.

Mr Young disagreed with Mr Patel's submission, stating that the Frankton community was not apathetic and had resisted PC 35. He added that the Frankton Community Association had submitted in support of PC 34, along with a number of individuals. He considered the concerns about the vesting and designation of reserves adjacent to the Kawarau River were a matter of timing as the development evolved.

8.0 ASSESSMENT

The Act now requires that submission points are addressed by grouping them according to the provisions of the proposed plan to which they relate, or the matters to which they relate. For convenience, we have followed the format set out in the officer's report which is to group submissions according to the 13 "Components" that comprise PC 34. In addition there is an assessment of submissions on PC 34 relating to Other Matters.

The full list of the submitters and further submitters to PC 34, is provided in **Appendix 3**.

Our recommendations are structured as follows:

- A description of the changes proposed under each component of PC 34;
- A general summary of the main points raised in the submissions on that component;
- Our assessment of the submission points on that particular components of PC 34.
- Our recommendation on the submission point, and whether this is accepted, accepted in part, or rejected.
- Our recommendation on the items listed in Components [1] – [13] of PC 34 and in Other Matters raised in submissions and whether these should be approved, approved with modification or declined.

Our recommendations with respect to the text changes to PC 34 (**Appendix 1**) are shown as follows:

Text be added is shown as red underlined

Text to be removed is shown in some instances as ~~red-strikeout~~ or is otherwise omitted from Appendix 1.

Preliminary Findings

Before considering the numerous detailed amendments sought through the Components of PC 34, it is appropriate to acknowledge that there are a number of common threads that arise throughout the plan change and the submissions that have been made upon it, which we consider warrant brief preliminary comment.

The RPZ is a large existing zone comprising approximately 150 ha, which already enables the development of primarily urban activities, incorporating a combination of residential, commercial, educational and community activities. We are not required to revisit the fundamental issues relating to the urban development of the RPZ, as this is already provided for under the Queenstown Lakes District Plan, and is well outside the ambit of the matters that we are able to consider. Accordingly, we agree with the requestor that PC 34 is to a large extent a refinement of the existing provisions in the RPZ and its immediate environs. We think it is important to emphasise this.

There are only two proposed extensions to the RPZ. The first of these concerns the proposal to incorporate a 1.21 ha parcel of land currently in the AMUZ within the RPZ instead. This effectively changes the use of this land from airport related purposes

(essentially urban and not rural in nature) to AA5 which provides for commercial activities in particular. The proposed extension of AA2a adjacent to the Kawarau River is an extension to a larger existing Activity Area parallel to the river within which urban activities are, and would remain, significantly constrained.

Many of the components of PC 34 change the emphasis of provisions within the RPZ with respect to such matters as whether specified activities, most of which are anticipated within the RPZ, should be discretionary or controlled in status, and the details of policy provisions that apply to these.

The framework for managing activities within the RPZ is quite fine-grained and complex, and in some cases the relatively subtle rationale for differences in the status of activities within the various Activity Areas, particularly between Activity Areas 3, 4, 6, and 7 can be difficult to discern. In this context, we sympathise with submitters who may have struggled to understand the meaning and significance of the changes proposed.

A significant number of submissions relate to the status of noise sensitive activities within the RPZ - referred to as "ASAN's" in the context of PC 35. The manner in which these are regulated within the RPZ, the relationship of PC 34 to other plan changes, notably PC 35 and to a lesser extent PC 19, and submissions and subsequent appeals to the Environment Court with respect to these plan changes, appear to have complicated the resolution of these issues. PC 35 specifically relates to proposed extensions to the noise contours and awaits resolution before the Court; similarly, a Notice of Requirement over part of the RPZ (within AA 8) has also yet to be resolved. Our recommendations confirm that we can only consider PC 34 on its individual merits. Depending on the outcome of proceedings on PC 35 in particular, it may be necessary to revisit noise issues affecting the RPZ through a separate process, which may involve exercise of the Court's powers under section 293 of the Act. We consider that ad hoc changes to PC 34 in anticipation of the outcome of PC 35 in particular would be premature, and we do not consider that PC 34 is an appropriate vehicle for giving effect to the as yet unresolved provisions of PC 35. That said, our conclusions on this matter should not be interpreted as signalling agreement with the positions of RPL and the Minister of Education with respect to the regulation of noise sensitive activities in the vicinity of the airport and within the RPZ.

Two consistent issues were raised through the officer's report. Firstly, it was put to us that a number of changes to the location and status of particular activities (e.g. education activities) was inappropriate because the particular land use concerned was already provided for elsewhere within the RPZ. We do not consider that this is a particularly relevant consideration unless those land uses can be shown to have an adverse effect on the environment.

The second issue concerned the merits of controlled activity status versus restricted discretionary or discretionary activity status. While there are a range of Activity Areas with a complex array of land use controls therein, we broadly agree with the requestor's position that given that many of the activities subject to PC 34 were anticipated within the RPZ, it was not appropriate to give them discretionary activity status on the basis of perceived administrative difficulties. We acknowledge that there can be some difficulties with regulating unsatisfactory development under controlled activity status, but given that this status already applies to a large number of activities within the RPZ, there does not seem to be any need to increase the degree of regulation required, but rather to reinforce the necessary assessment matters for resource consents and the policy framework within which they are considered.

A final significant matter was the extended use of the Remarkables Park Design Review Board and the related use of an Indicative Master Plan as a method to assist the

Remarkables Park Design Review Board in reviewing and making recommendations on matters of urban design, site planning and building design for development proposals. The Commission considers that there is benefit in expanding the role of the Remarkables Park Design Review Board to avoid unnecessary duplication and inefficiencies with regards to the use of the Queenstown Urban Design Panel while also recognising the potential overlap in membership between the two design boards. The Commission considers that there is benefit in having a single Design Review Board which focuses on design matters in the context of the RPZ. While the Commission is not endorsing the Indicative Master Plan it is recognised that this plan does exist (albeit in a draft form) and that it reflects the most recent integrated planning for land in the RPZ undertaken by the land owner which is consistent with the Structure Plan as proposed in PC 34. In this regard, the Indicative Master Plan is a useful tool for the Remarkables Park Design Review Board to refine as appropriate and to refer to when assessing proposed developments particularly with regards to how a proposal might integrate with adjoining undeveloped land. The Commission has attached the Draft Indicative Master Plan (as presented by Mr Brown at the hearing) as **Appendix 4** to this report for future reference by interested parties.

8.1 COMPONENT [1]

8.1.1 Component [1] – Expand Activity Area 5

- (a) Change **Planning Maps 31, 31a, and 33**, to rezone **CT 338091** 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 **CT 338091** (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 **CT 338091** (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.

8.1.2 Submissions

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 opposes this submission stating there is no resource management basis for opposing “any changes” to AA8 [sic]. 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 CT 338091 or demonstrate that any development can connect (by pedestrians) in a cohesive manner.

Queenstown Airport Corporation Limited supports 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 states that 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 address inconsistencies between objectives, policies and activities.

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

8.1.3 Assessment

8.1.3.1 Discussion & Reasons

Component [1] has two primary elements. The first is to change the zoning of land north of Hawthorne Drive from Airport Mixed Use Zone (AMUZ) to Remarkables Park Zone (RPZ), such land to be included in Activity Area 5 (AA5). Component [1] also provides for land in the RPZ to the east and south of the existing AA8 south of the EAR to be included in the Activity Area 5 (AA5) to provide for future expansion of the commercial centre at Remarkables Park.

Much of the evidence considered by the Commission (and particularly the retail analysis evidence presented by Miss Hampson, the traffic engineering evidence presented by Mr Penny and urban design evidence presented by Mr Rae) related to Component [1] of PC 34. The fundamental question that the Commission has had to address in terms of the land north of Hawthorne Drive is whether the RPZ/AA5 proposal in PC 34 is better than the status quo, being the retention of this land in the AMUZ.

The Commission has come to the view that a change in zoning from AMUZ to RPZ (and inclusion of this land in AA5) is the better alternative. This change creates the potential for an attractive entrance to be provided to the Remarkables Park Zone through complementary development on either side of Hawthorne Drive. Such provision will add to the retail space which is required to serve the future needs of the community. Integrated development of land on either side of Hawthorne Drive is consistent with the purpose of the RPZ.

The land north of Hawthorne Drive that is referred to as CT 338091 and as Lots 1 and 33 in PC 34 and submissions has previously been sold by the Queenstown Airport Corporation Limited to the requestor. The Commission was advised that a Notice of Requirement has been given by the Queenstown Airport Corporation to extend the existing designation for Aerodrome Purposes to include additional land for Aerodrome Purposes and ancillary activities including Helicopter and General Aviation hangars and for buildings and activities for airport related purposes. The additional 19.1 hectares (which includes land in the RPZ) is to provide for airport related activities albeit that the Commission notes that the outcome of the NOR process is uncertain.

The area north of Hawthorne Drive is separated from the existing Remarkables Park commercial precinct by Hawthorne Drive. Hawthorne Drive will carry increased traffic in future as the EAR is constructed to form a link with State Highway 6 north of the Frankton Flats. The Commission considers that satisfactory provision for safe pedestrian access between the existing commercial precinct and land to the north of Hawthorne Drive is a matter of crucial importance. As a consequence the Commission has determined that commercial activities in Activity Area 5 to the north of Hawthorne Drive should be a controlled activity with a matter for control being safe, convenient and attractive pedestrian and vehicular access both to and across Hawthorne Drive to commercial activity in AA5 north of Hawthorne Drive with an assessment matter which requires traffic engineering modelling.

The Commission emphasises that it was not persuaded by the evidence of Mr Williams that his examples of crossing arrangements (such as at the State Highway 6/6A intersection) were in any way an adequate response to the need for pedestrian safety and convenience to and across Hawthorne Drive.

Plan Change 35 was lodged with the Council on 9 July 2009. Ms Noble (for Queenstown Airport Corporation Limited) advised the Commission that Plan Change 35 seeks to provide for projected growth at Queenstown Airport by extending the airport's noise boundaries and by introducing and amending provisions in the relevant chapters of the District Plan to manage land use activity around the airport for land use activities that are sensitive to airport noise. Plan Change 35 is now a matter that is before the Environment Court. The Commission's view is that PC 34 should be considered on its merits and that matters relevant to Plan Change 35 should be addressed in the context of that plan change. The Commission also acknowledges that if there are issues with respect to the scope of Plan Change 35 the potential exists for such matters to be addressed via a section 293 direction.

The Commission notes that Rule 12.11.3.6 – Table 1 as amended in terms of Component [8] prohibits Residential, Visitor Accommodation and Community Activities within AA5 in the light grey shaded area indicated on Figure 2.

The Commission considers that the eastern expansion of AA5 is a better outcome than the status quo. Ms Hampson's retail analysis confirmed that there is a need for additional retail space (including for Large Format Retail) and it is appropriate that such provision be made in close proximity to the established commercial precinct at Remarkables Park. Mr Penny has concluded that such provision could be made without having any particular adverse effect on the traffic network and the Commission accepts this assessment.

A matter for particular attention is provision for pedestrian access and flow via footpaths through the adjacent Activity Area 8. This is a matter which we have addressed in the context of Component [6] below.

The Commission notes that Item (b)(iii) provides for the relocation of Activity Areas as shown on Figure 1. The realignment of such boundaries is consistent with boundaries of allotments as shown on the plan of subdivision RM 090321 that was granted consent in 2009. The Commission considers such change to Activity Area boundaries is appropriate.

Item (d) in Component [1] amends the Explanation and Principal Reasons for Adoption relating to AA5 under Objective 2 in Part 12.10.3. The Commission prefers the term "commercial centre" rather than "commercial/retail centre" having regard to the use of the term "commercial centre" in the existing provisions of the RPZ (see Objective 7 of Part 12.10.3) and given the definition of "Commercial Activity" contained in the District Plan that includes retail activity. The amendments in Item (d) are to be altered accordingly albeit that the Commission acknowledges that the words "Commercial/Retail" in the heading of this paragraph are not affected by PC 34.

Item (e) in Component [1] provides for a new Policy 8 under Objective 7 being "to encourage large format retail and supporting activities in Activity Area 5". The Commission considers that the word "enable" is more appropriate in this context; and is consistent with earlier policies under Objective 7.

8.1.3.2 Assessment and Recommendation on Submission Points

Having regard to the matters discussed above the Commission has concluded that Component [1] of PC 34 should be approved subject to modification being that commercial activity north of Hawthorne Drive in the RPZ AA5 be listed as a controlled activity with matters for control and assessment matters being amended to provide for the safe, convenient and attractive pedestrian and vehicular access both to and across Hawthorne Drive. The Commission is also satisfied that the AA5 should be expanded to the east of the existing AA5, as provided for in the plan change. As a consequence the Commission **recommends:**

1. That the submission by **Queenstown Airport Corporation Limited** that seeks that Lots 1 and 33 DP 304345 be excluded from PC 34 or that PC 34 be rejected is **rejected**; and that the supporting further submissions from **Queenstown Central Limited** and **Penelope Young** be **rejected**; and the opposing further submission by **Shotover Park Limited** be **accepted**.
2. That the submission by **Queenstown Lakes District Council** that the Remarkables Park Special Zone be removed from CT 338091 or demonstrate that any development can connect (by pedestrians) in a cohesive manner be **accepted in part**; and that the supporting further submissions by **Queenstown Airport**

Corporation Limited and **Penelope Young** be **accepted in part**; and that the opposing further submission by **Shotover Park Limited** be **accepted in part**.

3. That the submission by **Sebastian Smith** that supports the provisions of the Plan Change be **accepted**.
4. That the submission by the **Queenstown Lakes District Council** be **accepted**; that the supporting further submission by **Penelope Young** be **accepted**; and that the opposing further submission by **Shotover Park Limited** be **rejected**.
5. That the submission by **Jeff Aldridge** be **accepted**.
6. That the submission by **Savanna Group Limited** be **accepted**.

8.1.3.3 Recommendation on Component [1]

Component [1] – Expand Activity Area 5

- (a) Change **Planning Maps 31, 31a, and 33**, to rezone **CT 338091** from the **AMUZ** to the **RPZ**.

Commission’s Recommendation

Approve With Modification: The expansion of RPZ/AA5 north of Hawthorne Drive is approved subject to modification that commercial activity north of Hawthorne Drive in RPZ/AA5 is listed as a controlled activity (in Rule 12.11.3.6 Table 1) with the matters for control and assessment matters being amended to provide for the safe, convenient and attractive pedestrian and vehicular access both to and across Hawthorne Drive with such provision to be demonstrated through traffic engineering modelling.

- (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;

Commission’s Recommendation

Approve.

- (ii) Include the parcel of land **CT 338091** (referred to in (a) above) in AA5 of the RPZ;

Commission’s Recommendation

Approve.

- (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.

Commission’s Recommendation

Approve.

- (c) Change the **Remarkables Park Zone Figure 2 – Airport Measures and Activity Areas** to include **CT 338091** (referred to in (a) above) in the shading labelled (in the legend) **“NO RESIDENTIAL, VISITOR ACCOMMODATION OR COMMUNITY ACTIVITIES AREA”**.

Commission's Recommendation
Approve.

- (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 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 centre, including for large format retail activities.~~

Commission's Recommendation
Approve.

- (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.

Commission's Recommendation
Approve With Modification:

8 To enable 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.

Commission's Recommendation
Approve.

8.2 Component [2]

8.2.1 Component [2] – Rezone area of Rural General land to RPZ Activity Area 2a

The specific changes of 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.

8.2.2 Submissions

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.

8.2.3 Assessment

8.2.3.1 Discussion & Reasons

Most of the unformed legal road between land owned by Remarkables Park Limited and the Kawarau River is zoned RPZ and is shown on the Structure Plan as being in Activity Area 2a. PC 34 proposes that this status apply to a length of approximately 400 metres of the unformed legal road immediately to the east of the existing AA2a.

Ms Hutton drew our attention to an error on Maps 31 and 31a of the Operative District Plan. In essence these maps show the 400 metre strip of land referred to above as already forming part of the RPZ. She explained to us that the legal road should be split between RPZ and the Rural General Zone in the Operative District Plan. We accept that this is the case and that the matter for us to consider is whether the RPZ Zone should be extended to include the land currently within the Rural General Zone.

The section 32 assessment provided by the requestor considered two options being:

1. Retaining the status quo (the Rural General zoning) or
2. Applying the RPZ/AA2a.

The submission by the **Queenstown Lakes District Council** identified a third option being to simply leave the unformed legal road unzoned like other roads in the Queenstown Lakes District. The Operative District Plan confirms at page A1-15 that all Queenstown Lakes District Council roads are deemed to be designated for the purpose of road.

The Commission considers that the third option raised in the submission by the **Queenstown Lakes District Council** would not be appropriate in this instance given that the majority of the unformed legal road adjacent to the land owned by the requestor is already located in the RPZ/AA2a. While this third option would not necessarily facilitate a future 'deal' between the adjoining developer and the Council, we consider it inappropriate to effectively remove the management of an area of land from the ambit of the District Plan.

The Commission considers that the better of the two remaining alternatives is for the 400 metre strip of land to be rezoned from Rural General to RPZ/AA2a. This is consistent with the approach taken to the length of unformed legal road located between the land owned by Remarkables Park Limited and the Kawarau River at present and with the concept of 'integrated management' envisaged under section 31(1)(c) of the RMA.. The Commission considers that it would be inappropriate to retain the existing Rural General zoning given the limited area and topography of the land concerned, which has little potential to be used for activities provided for in the Rural General Zone.

Rule 12.11.3.6 Table 1 provides for the control of activities on land in AA2a. In addition to the resource consent and other mechanisms for control in terms of the AA2a rules; two additional layers of control exist. As noted above the land is legal road vested in the Council. Any activity on the legal road would therefore require the Council's permission as the roading authority/landowner. Given that all legal roads are designated section 176 of the RMA provides an additional layer of control.

The Commission is satisfied that the change of zoning proposed in terms of Component [2] of PC 34 is appropriate and is consistent with section 31 of the RMA and with Objective 1 of the RPZ which both provide for the integrated management of the effects of land use. The Commission also acknowledges that the existing AA2a and the extension to AA2a now proposed would both be subject to Objective 3 of the RPZ which states:

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

The Commission's conclusion is that it is appropriate that the same planning status apply to all of the land comprising unformed legal road adjacent to land owned by Remarkables Park Limited and the Kawarau River.

8.2.3.2 Assessment and Recommendation on Submission Points

For the reasons detailed above the Commission considers that Component [2] of PC 34 should be approved. As a consequence the Commission **recommends** as follows:

1. That the submission by **Sebastian Smith** be **accepted**.
2. That the submission by the **Queenstown Lakes District Council** be **rejected**; that the supporting further submission by **Penelope Young** be **rejected**; and that the opposing further submission by **Shotover Park Limited** be **accepted**.
3. That the submission by **Ralph Hanan** be **accepted**.
4. That the submission by the **Queenstown Lakes District Council** be **rejected**; that the supporting further submission by **Penelope Young** be **rejected**; and that the opposing further submission by **Shotover Park Limited** be **accepted**.

8.2.3.3 Recommendation on Component [2]

Component [2] – Rezone area of Rural General land to RPZ Activity Area 2a

- (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 to the notified plan change.

Commission's Recommendation
Approve.

Note: It is noted that Planning Maps 31 and 31a only are to be amended to provide for the rezoning; as the land concerned does not appear on Map 33.

- (b) Change Figures 1, 2 and 3 of the RPZ to include the land referred to in 3.2.2(a) [of the plan change request] above within Activity Area 2a.

Commission's Recommendation
Approve.

8.3 COMPONENT [3]

8.3.1 Component [3] Modifications to Activity Area 3

- (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”).

8.3.2 Submissions

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.

8.3.3 Assessment

8.3.3.1 Discussion & Reasons

Activity Area 3 (AA3) is located on the river side peninsula at the southern end of the RPZ. The existing AA3 provisions enable development of a wide range of activities, including retail, offices and other commercial, residential, visitor accommodation and other visitor facilities, restaurants and cafes, and riverside facilities, including for ferry transport. It can be expected that AA3 will develop as a vibrant mixed-use precinct.

The requestor anticipates a potential demand for educational facilities, particularly for tertiary and research institutions, in AA3. Currently education facilities are a discretionary activity in AA3. PC 34 seeks to change that status to a controlled activity. The description of AA3 in the Explanation and Principal Reasons for Adoption for AA3 that relate to Objective 2 of the RPZ does not reflect the commercial activities that are enabled in AA3 as controlled activities, and that the development will complement the river ferry facilities on the adjacent AA2a.

Rule 12.11.3.6 Table 1 as presented in the Operative District Plan makes provision for Educational Facilities as a controlled activity in Activities Areas 4, 5 and 6. The Commission considers that it is appropriate that controlled activity status also apply to Educational Facilities in AA3 thus maintaining a consistent approach within those activity areas where a mixture of land uses is anticipated. No evidence was presented to the Commission to suggest that educational facilities in AA3, as opposed to AA4, AA5 or AA6, would be subject to or result in materially different effects.

The Commission is satisfied that PC 34 provides a better outcome with respect to the status of Educational Facilities in the AA3 than the status quo, which provides for such activity as a discretionary activity in the AA3. The Commission does not favour the alternative promoted by the **Queenstown Lakes District Council** to the effect that such activities should be a restricted discretionary activity in AA3. The Commission notes in this context the comprehensive range of matters which are subject to control in terms of Rule 12.11.3.2ii. Conditions are able to be applied to address a wide range of matters in the event that an application is made for resource consent (as a controlled activity) to establish an Educational Facility in the AA3.

The other amendments proposed in the context of Component [3] in PC 34 essentially tidy up the wording of existing provisions, consistent with activities that are provided for as a controlled activity in the AA3. The Commission considers it appropriate to make such amendments noting the requestor's intention that the riverside peninsula in AA3 is intended to be developed as a vibrant mixed use precinct that is pedestrian oriented. A reference to apartments is appropriate to the Explanation and Principal Reasons for Adoption for AA3

(under Objective 2 of Part 12.10.3) to maintain consistency with Policy 3 under Objective 1 of Part 12.10.3.

The Commission considers that a further amendment is required to Policy 3 under Objective 7 for purposes of clarity. This is to confirm that the commercial centre referred to in the policy is the centre that exists in Activity Area 5. The Commission prefers the term “commercial centre” rather than “commercial/retail centre” having regard to the use of the term “commercial centre” in the existing provisions of the RPZ (see Objective 7 of Part 12.10.3) and given the definition of “Commercial Activity” contained in the District Plan that includes retail activity. This matter is also relevant in the context of Component [1] as discussed above and in the context of Component [13] as it relates to Part 12.10.4 of the RPZ provisions.

8.3.3.2 Assessment and Recommendation on Submission Points

For the reasons detailed above the Commission considers it appropriate to adopt a consistent approach to the status of Educational Facilities in Activity Areas 3-6 of the RPZ. In these circumstances provision should be made for Educational Facilities as a controlled activity in AA3 and the alternate status promoted by the submitter is not supported. As a consequence the Commission **recommends** as follows:

1. The submission by the **Queenstown Lakes District Council** that promotes that Educational Facilities should be a restricted discretionary activity in AA3 be **rejected**; that the supporting further submission by **Penelope Young** be **rejected**; and the opposing further submission by **Shotover Park Limited** be **accepted**.

8.3.3.3 Recommendation on Component [3]

Component [3] Modifications to Activity Area 3

(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;

Commission’s Recommendation
Approve With Modification.

- (ii) recognise that development in AA3 will link directly and integrate with the riverside facilities in adjacent AA2a for ferry transport; and

Commission’s Recommendation
Approve.

- (iii) recognise education as one of the activities enabled within AA3.

Commission’s Recommendation
Approve.

Under Objective 2 of Part 12.10.3 of the DP the *Explanation and Principal Reasons for Adoption* for AA3 is to be amended to state:

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, apartments and 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 is pedestrian oriented.

- (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.

Commission's Recommendation

Approve With Modification. Policy 3 under Objective 7 is to be amended to state:

- 3 ~~To enable the new commercial~~ centre in Activity Area 5 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).

Commission's Recommendation

Approve With Modification. The final sentence of the last paragraph is to refer to "... Activity Areas 3 and 5 of the Structure Plan...". This results in the Activity Areas being referred to in consecutive order.

- (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").

Commission's Recommendation

Approve.

8.4 COMPONENT [4]

8.4.1 Component [4] – Modifications to 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 Care Facilities in AA4 from a discretionary activity (“DIS”) to a controlled activity (“CON”).

8.4.2 Submissions

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.

8.4.3 Assessment

8.4.3.1 Discussion & Reasons

Activity Area 4 (AA4) is located in the core of the RPZ and links the commercial activities enabled in AA5 to the north and AA3 to the south. AA4 is intended primarily for higher density residential, visitor accommodation and educational facilities. The requestor has noted that in addition to a range of residential types, AA4 has potential for student and worker accommodation in close, walkable distance to employment and educational facilities, particularly smaller tertiary institutions. Component [4] of PC 34 seeks to have the status of health and day-care facilities changed from discretionary to controlled, to promote a better mix of activities in AA4.

The Commission acknowledges that health/day-care facilities are provided for as a controlled activity in Activity Area 6 (AA6). Given that AA6 is located adjacent to AA4, and that AA6 is located closer to the Queenstown Airport than AA4; the Commission considers that controlled activity status is appropriate for health and/or day-care facilities in AA4. The Commission also acknowledges that educational facilities are also provided for in AA4 as a controlled activity.

The **Queenstown Airport Corporation** submission makes reference to Plan Change 35. Plan Change 35 was lodged with the Council on 9 July 2009. Ms Noble (for Queenstown Airport Corporation Limited) advised the Commission that Plan Change 35 seeks to provide for projected growth at Queenstown Airport by extending the airport’s noise boundaries and by introducing and amending provisions in the relevant chapters of the District Plan to manage land use activity around the airport for land use activities that are sensitive to airport noise. Plan Change 35 is now a matter that is before the Environment Court. The Commission’s view is that PC 34 should be considered on its merits and that matters relevant to Plan Change 35 should be addressed in the context of that plan change. The Commission also acknowledges that if there are issues with respect to the scope of Plan Change 35 the potential exists for such matters to be addressed via a section 293 direction.

The Commission considers that reference to student and staff accommodation is appropriate in the Explanation and Principal Reasons for Adoption that relate to AA4 given the potential which the requestor has noted for the provision of student and staff accommodation in close proximity to educational facilities within the RPZ. The Commission also considers that the order of the words “visitor and residential accommodation” should be reversed to maintain consistency with achieving higher density residential development as provided for in Policy 3 under Objective 1 of Part 12.10.3. A reference to parking

facilities is also appropriate, consistent with the Commission's recommendation in the context of Component [6].

8.4.3.2 Assessment and Recommendation on Submission Points

For the reasons detailed above the Commission considers it appropriate to provide for health and/or day-care facilities as a controlled activity in AA4. As a consequence the Commission **recommends** as follows:

1. The submission by the **Queenstown Airport Corporation** that seeks that health and/or day-care facilities remain a discretionary activity in AA4 be **rejected**.

8.4.3.3 Recommendation on Component [4]

Component [4] – Modifications to 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

Commission's Recommendation
Approve With Modification.

- (ii) include health and day care facilities as one of the activities enabled in AA4.

Commission's Recommendation
Approve.

Under Objective 2 of Part 12.10.3 of the DP the *Explanation and Principal Reasons for Adoption* for AA4 is to be amended to state:

Activity Area 4 - Higher Density Accommodation

A significant proportion of this area is proposed to be devoted to higher density ~~housing~~ residential and visitor accommodation, including student and staff accommodation, educational, health and day care facilities and parking 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 Care Facilities in AA4 from a discretionary activity ("DIS") to a controlled activity ("CON").

Commission's Recommendation
Approve.

8.5 Component [5]

8.5.1 Component [5] – Changes to zone standards for nature and scale of activities and hours of operation

- (a) Modify zone standard 12.11.5.2vi (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 12.11.5.2vii (hours of operation) for the same reasons as in (a) above.
- (c) In Part 12.10.4 – Environmental Results Anticipated, change the 11th 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.

8.5.2 Submissions

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.

8.5.3 Assessment

8.5.3.1 Discussion & Reasons

The requestor has noted that the existing Zone Standards for nature and scale of activities and hours of operation (being Zone Standards 12.11.5.2vi and 12.11.5.2vii respectively) limit the manner in which some non-residential activities can be undertaken, by restricting the number of persons who may be employed on the site, restricting the gross floor area that can be devoted to the activity and restricting the hours of operation albeit that some exceptions are provided in these Zone Standards. Any breach of either Zone Standard is a non-complying activity in terms of Rule 12.11.3.4ii.

In essence Component [5] of PC 34 promotes that Zone Standards 12.11.5.2vi and 12.11.5.2vii apply only in the context of Activity Area 1 which is an established low density residential precinct generally to the west and south of the existing commercial centre at Remarkables Park. The requestor promotes that non-residential activities in Activity Areas 2-8 of the RPZ are better managed through the objectives and policies, activity status and assessment matters, rather than by the Zone Standards.

Rule 12.11.3.6 Table 1 establishes the status of various activities across the Activity Areas. The Commission notes in particular that premises licensed for the sale of liquor are a discretionary activity in Activity Area 4 which provides a buffer between AA1 and areas with potential for further development in AA3 and AA5. Discretionary activity status enables all effects of the proposed activity (including those effects currently addressed in Zone Standards 12.11.5.2vi and 12.11.5.2vii to be addressed in the context of a future application

for resource consent to a discretionary activity. Where premises licensed for the sale of liquor are provided for as a controlled activity (in AA3 and AA5) the matters to which control is restricted in terms of Rule 12.11.3.2iii includes the scale of activity, carparking, retention of amenity, noise and hours of operation. The Commission also acknowledges that specific assessment matters are provided relating to licensed premises as detailed in Rule 12.11.6iii(l). In all the circumstances the Commission is satisfied that sufficient provision is made for addressing the effects of activities by other provisions that apply in the RPZ; and that the modifications proposed to Zone Standards 12.11.5.2vi and 12.11.5.2vii are appropriate.

The Commission has noted that item (c) in Component [5] provides for the amendment of an Environmental Result Anticipated that relates to the establishment and operation of non-residential activities. The effect of the amendment would be to restrict the Environmental Result Anticipated to non-residential activities within the low density residential area (Activity Area 1) only. The Commission does not consider that this amendment is appropriate, given that non-residential activities throughout the Remarkables Park Zone (and not just Activity Area 1) are controlled (particularly by having status as controlled and discretionary activities in terms of Rule 12.11.3.6 Table 1).

8.5.3.2 Assessment and Recommendation on Submission Points

Having regard to the matters discussed above, the Commission has concluded that it is appropriate to modify Zone Standards 12.11.5.2vi and 12.11.5.2vii as proposed in Component [5] of PC 34. In essence the relevant activities are better controlled through other provisions that apply in the RPZ. The Commission has also concluded that the amendment to the Environmental Result Anticipated as proposed in item (c) of Component [5] is not appropriate given that this Environmental Result Anticipated applies throughout the RPZ. As a consequence the Commission **recommends** as follows:

- 1. The submission by **Neki Patel** is **accepted in part**; the supporting further submission from **Penelope Young** is **accepted in part**; and the further opposing submission from **Shotover Park Limited** is **accepted in part** to the extent that item (c) in Component [5] is to be **declined**.

8.5.3.3 Recommendation on Component [5]

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

- (a) Modify Zone Standard 12.11.5.2vi (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.

Commission’s Recommendation
Approve.

- (b) Modify Zone Standard 12.11.5.2vii (hours of operation) for the same reasons as in (a) above.

Commission’s Recommendation
Approve.

- (c) In Part 12.10.4 – Environmental Results Anticipated, change the 11th 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.

Commission’s Recommendation
Decline.

8.6 Component [6]

8.6.1 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 [sic – infrastructural].”
- (b) In Rule 12.11.3.2ii, 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.

8.6.2 Submissions

Queenstown Lakes District Council submits 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.

8.6.3 Assessment

8.6.3.1 Discussion & Reasons

Vehicle parking is generally provided for when required (by Part 14 of the Queenstown Lakes District Plan) in conjunction with developments that create a need for parking. The requestor has noted that there may be some situations where parking may be promoted for convenience and efficiency, and not necessarily in conjunction with specific development; and the requestor anticipates that such situations may arise in Activity Area 4 (AA4) and Activity Area 8 (AA8).

Component [6] is particularly relevant to the southern leg of AA8 which, given its location in relation to airport activities, is not suitable for buildings and not suitable for any activities

other than vehicle access and parking, pedestrian routes and landscaping. The southern leg of AA8 is located to the east of the existing commercial centre at Remarkables Park and is adjacent to the extension to AA5 that is the subject to Component [1] of PC 34.

The Commission acknowledges the concerns of the **Queenstown Lakes District Council** that there should be emphasis on good pedestrian routes around and through carparking areas, should additional carparking be provided. Ms Hutton's section 42A report also provided practical examples with respect to difficulties encountered by pedestrians when negotiating parking areas at the existing commercial centre at Remarkables Park.

Mr Brown has promoted a new Rule 12.11.3.2iv as an alternative to the provision provided for in Component [6] (b) as stated above. In essence Mr Brown has promoted a rule which provides for landscaping, vehicle access and pedestrian movement to be matters of control. The Commission supports the insertion of a new Rule 12.11.3.2iv that details matters for control in the context of carparking as a controlled activity. The Commission considers that the third bullet point of this rule should be further amended to refer to safe, convenient and attractive pedestrian movement within and across the parking area and pedestrian connectivity with any adjoining Activity Area and across adjacent roads.

The Commission considers that subject to these matters of control it is appropriate to provide for carparking areas in AA4 or AA8 as a controlled activity. The Commission does not favour restricting such parking to that associated with permitted or controlled activities outside AA4 or AA8.

The Commission has noted Mr Brown's opinion that it is preferable that AA4 accommodates central parking facilities to support AA4 activities as well as AA3 activities, to promote "park and walk" for day to day visitors to AA3 and AA4 facilities and to complement the public transport and pedestrian routes through the zone linking, in particular, AA3, AA4 and AA5. Provision for a central parking location in AA4 is appropriate; as is the provision of a substantial carparking area within AA8, in close proximity to the existing and future AA5 commercial areas.

The Commission has noted the concern of the **Queenstown Lakes District Council** that the supply of additional carparking needs to be assessed as oversupply may contradict the Council's direction towards supporting public transport and travel management plans. The Commission simply notes that given the concentration of activity at Remarkables Park the potential may well arise for a "park and ride" type service utilising parking provided in AA4 and AA8. In this sense Component [6] is considered not to be inconsistent with the principle of supporting public transport and travel management plans.

The Commission acknowledges Mr Penny's contention that requiring parking in association with individual activities ignores the potential for multiple purpose shopping trips, and could in fact have the effect of encouraging over provision of parking. The Commission notes again in this context the potential to provide parking in AA8 in particular to serve activities in adjacent Activity Areas.

The Commission acknowledges that an unintended consequence of amending Rule 12.11.3.6 (Table 1) to refer to "Vehicle parking in Activity Areas 4 and 8" in combination with the modifications to Zone Standard 12.11.5.2vi (nature and scale of activities) as provided for in Component [5](a) would be to make parking a permitted activity in Activity Areas 2(a) – (c), 3, 5, 6 and 7. This would be contrary to Rule 14.2.2.3(i) which provides for such parking as a discretionary activity.

The Commission notes the potential for vehicle parking to occur in the RPZ due to the close proximity of this land to the Queenstown Airport. The Commission's conclusion is

that it is appropriate to explicitly provide for vehicle parking in Rule 12.11.3.6 (Table 1) as a discretionary activity in all Activity Areas except for Activity Area 4 and Activity Area 8 where such activity is to have status as a controlled activity and in Activity Area 1 where such activity is non-complying in terms of Zone Standard 12.11.5.2vi. The effect of this amendment is to maintain the status quo as it otherwise relates to the status of vehicle parking, except for Activity Area 4 and 8. This is consistent with the requestor’s intent as a change has been promoted to the status of vehicle parking in Activity Area 4 and 8 only.

8.6.3.2 Assessment and Recommendation on Submission Points

Having regard to the matters discussed above, the Commission has concluded that it is appropriate to provide for vehicle parking in AA4 and AA8 as a controlled activity in Rule 12.11.3.6 Table 1, such activity being subject to matters for control as stated in the new Rule 12.11.3.2iv. As a consequence the Commission **recommends** as follows:

- 1. The submission by **Queenstown Lakes District Council** is **accepted in part**; the supporting further submission from **Penelope Young** is **accepted in part**; and the opposing further submission by **Shotover Park Limited** is **accepted in part**.

8.6.3.3 Recommendation on Component [6]

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 “infrastructural”.

Commission’s Recommendation
Approve.

- (b) In Rule 12.11.3.2ii, 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*

Commission’s Recommendation

Approve With Modification. Instead of amending Rule 12.11.3.2ii as stated above a new Rule 12.11.3.2iv is to be inserted which reads as follows:

- iv. Carparking*
Parking areas in Activity Area 4 or Activity Area 8 in respect of:
 - *Landscaping within the parking area;*
 - *Vehicle access to and within the parking area;*
 - *Safe, convenient and attractive pedestrian movement within and across the parking area, and pedestrian connectivity with any adjoining Activity Area and across adjacent roads.*

- (c) In Rule 12.11.3.6 (Table 1), add a new row titled “Vehicle parking” and add the controlled activity (“**CON**”) status in the columns for AA4 and AA8 and add the discretionary activity (“**DIS**”) status in the columns for all other Activity Areas except for AA1.

Commission’s Recommendation
Approve.

8.7 Component [7]

8.7.1 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 [sic – in the fourth paragraph] 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.

8.7.2 Submissions

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

8.7.3 Assessment

8.7.3.1 Discussion & Reasons

The RPZ provisions for AA2a anticipate river transport opportunities. The Component [7] modifications recognise the opportunity for additional ferry stopping points serving the RPZ.

The Commission prefers the terminology “stopping points” rather than “terminii” as promoted on Component [7] of PC 34 as notified. During the course of the hearing the Commission was informed of the potential for a passenger ferry service to serve Lake Hayes Estate downstream on the Kawarau River from the RPZ. The Commission understands the term “terminus” to refer to a station at the end of a route and therefore prefers the terminology “stopping points” instead.

Ms Hutton’s section 42A report and the section 32 report noted that any proposal for a ferry or terminal would still require consent under AA2a/RPZ provisions and/or the Rural General Zone rules (that apply to the surface of water). The specific location and form of the stopping points and other effects on the environment will be addressed in any such resource consent application in future to establish ferry stopping points in AA2.

8.7.3.2 Assessment and Recommendation on Submission Points

As noted above no persons have directly submitted on Component [7]. Given that a number of submissions have expressed generic support for PC 34 in its entirety the Commission **recommends** as follows:

1. Submissions lodged in support of PC 34 in its entirety are **accepted in part** to the extent that items (b) and (c) in Component [7] are to be approved with modification.

8.7.3.3 Recommendation on Component [7]

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* in the fourth paragraph to recognise that water-based transport includes opportunities for passenger ferries in addition to water taxis.

Commission’s Recommendation Approve.

- (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.

Commission’s Recommendation

Approve With Modification – amend the fourth sentence to commence with the words “It may provide stopping points for water transport between...”

- (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.

Commission’s Recommendation

Approve With Modification – Clause (b) to state “Provision for stopping point(s) for water-based transport,...”

8.8 Component [8]

8.8.1 Component [8] – Changes to airport related controls in the RPZ

- (a) In Rule 12.11.5.2ii, 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 12.11.5.2ii(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 12.11.5.2iv 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 12.11.6m, change the heading to reflect the changes in (d) and (e) above.

8.8.2 Submissions

Air New Zealand seeks that the decision takes into account the points raised in the submission (promotion of sustainable management; provision for reverse sensitivity effects arising from Activities Sensitive to Aircraft Noise (ASANs) in close proximity to the airport; prohibition on new ASANs from establishing within the Outer Control Boundary (OCB); enabling efficient use and development of the Airport and surrounding area; meeting 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 it appropriately recognises current and future airport activities, particularly in relation to noise and other reverse sensitivity effects.*

***The Minister 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. The submitter also contends 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”.

***The Minister 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. The submitter also contends 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.

***The Minister 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. The submitter also contends 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 be 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 be amended accordingly.

8.3.3 Assessment

8.8.3.1 Discussion & Reasons

Item (i) under the Table in Rule 12.11.5.2ii and Figure 3 (Height Restrictions Plan) to the RPZ together control the height of buildings in relation to the Queenstown Airport's cross-wind runway. Mr Brown advised that Remarkables Park Limited and the Queenstown Airport Corporation have agreed to changes to this zone standard, to simplify the method of implementation. Mr Brown advised that this agreement is contained in a Deed dated 29 January 2009. Mr Brown also advised that the changes bring the RPZ provisions in line with the relevant cross-wind runway Transitional Surfaces of the airport designation (at page A1-49 of the Queenstown Lakes District Plan).

The words in Rule 12.11.5.2iv (Airport Measures – Queenstown Airport) that describe areas within Figure 2 – Airport Measures do not match the legend presented in Figure 2. The words in Rule 12.11.5.2iv(a) need to be modified for consistency between the Rule and the Figure.

As a consequence of Item (a) in Component [8] there is no longer a requirement to identify Area A by shading on Figure 3, as no rules will now refer to Area A.

The Commission is satisfied that the various changes proposed to plan provisions in Component [8] of PC 34 are essentially technical corrections required to achieve consistency between existing provisions that relate to the RPZ.

The submission by **Air New Zealand** seeks that PC 34 be updated to reflect terminology modifications made through Plan Change 35 including Activities Sensitive to Aircraft Noise (ASANs).

Plan Change 35 was lodged with the Council on 9 July 2009. Ms Noble (for Queenstown Airport Corporation Limited) advised the Commission that Plan Change 35 seeks to provide for projected growth at Queenstown Airport by extending the airport's noise boundaries and by introducing and amending provisions in the relevant chapters of the District Plan to manage land use activity around the airport for land use activities that are sensitive to airport noise. Plan Change 35 is now a matter that is before the Environment Court. The Commission's view is that PC 34 should be considered on its merits and that matters relevant to Plan Change 35 should be addressed in the context of that plan change. The Commission also acknowledges that if there are issues with respect to the scope of Plan Change 35 the potential exists for such matters to be addressed via a section 293 direction.

The Commission considers it appropriate to accept the changes promoted in Component [8] of PC 34 on the basis that these amend certain provisions contained in the Operative District Plan that relate to the RPZ. If such provisions are further modified as a consequence of Plan Change 35 those provisions may require further amendment as a consequence of such an outcome. At this time the Commission simply notes that the outcome of the Plan Change 35 appeals are uncertain.

8.8.3.2 Assessment and Recommendation on Submission Points

Having regard to the matters discussed above the Commission has concluded that Component [8] contains various amendments to the provisions that relate to the RPZ to achieve consistency between such provisions. The Commission does not consider it

appropriate to amend provisions in anticipation of possible outcomes from the Plan Change 35 appeals. As a consequence the Commission **recommends** as follows:

1. That the submission by **Air New Zealand** that seeks that the decision takes into account the points raised in the submission be **rejected**; and that the supporting further submission by **Queenstown Airport Corporation** be **rejected**; and the opposing further submission by **The Minister of Education** be **accepted**.
2. That the submission by **Air New Zealand** that seeks that the plan change is updated to reflect the terminology modifications made through Plan Change 35 be **rejected**; and the opposing further submission by **The Minister of Education** be **accepted**.
3. That the submission by **Air New Zealand** that seeks that the prohibited activity status of activities within the OCB is extended to include all ASANs be **rejected**; and that the further opposing submission by **The Minister of Education** be **accepted**.
4. That the submission by **Air New Zealand** that the area in which ASANs are prohibited be extended to reflect the air noise boundary adjustments made through Plan Change 35 be **rejected**.
5. That the submission by **Queenstown Airport Corporation** that 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 be amended accordingly be **rejected**.

8.8.3.3 Recommendations on Component [8]

Component [8] – Changes to airport related controls in the RPZ

(a) In Rule 12.11.5.2ii, 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

Commission’s Recommendation
Approve.

- (ii) Delete the second row entitled “*Activity Areas 4, 5 and 6 ...*”.

Commission’s Recommendation
Approve.

- (b) In Rule 12.11.5.2ii(i), delete “5%” and replace with “10%”, and delete “1:7” and replace with “1:5”.

Commission’s Recommendation
Approve.

- (c) Modify Figure 3 – Height Restrictions Plan to reflect the changes in (a) and (b) above.

Commission’s Recommendation
Approve.

- (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.

Commission’s Recommendation

Approve.

- (e) Change Rule 12.11.5.2iv to ensure that the descriptions of coding of areas in the Rule match the coding and legend on Figure 2 – Airport Measures.

Commission’s Recommendation

Approve.

- (f) In Assessment Matter 12.11.6m, change the heading to reflect the changes in (d) and (e) above.

Commission’s Recommendation

Approve.

8.9 Component [9]

8.9.1 Component [9] – Changes to noise controls in the RPZ

- (a) Modify Rule 12.11.5.2iii as follows:

Except:

In Activity Areas 2a, 3, 4, 5, 6, and 7 and 8, 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 and 8: ...

8.9.2 Submissions

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.

8.9.3 Assessment

8.9.3.1 Discussion & Reasons

Rule 12.11.5.2iii(a) (Noise) controls noise from non-residential activities. The rule in the Operative District Plan contains an exemption for non-residential activities in Activity Areas 3, 4, 5 and 7, effectively providing an extra 5dBA L₁₀ noise standard as it applies to such activities in these Activity Areas.

Component [9] of PC 34 adds AA2a, AA6 and AA8 to the Activity Areas in which the extra 5 L₁₀ allowance is to apply.

Rule 12.11.3.6 Table 1 establishes the status of various activities across the Activity Areas. It is clear that a wide range of non-residential activities are permitted in AA6 and that some non-residential activities are also provided for in AA2a and AA8. It is also noted that residential activities are a non-complying activity in AA2a and AA8.

The Commission considers that it is appropriate to provide the additional 5 dBA L₁₀ noise allowance for non-residential activities in AA2a, AA6 and AA8. The Commission acknowledges that the effects of such non-residential activities within these Activity Areas will be appropriately dealt with under any resource consent process and that this is likely to involve an assessment of any relevant noise effects. The Commission considers it appropriate to include AA2a, AA6 and AA8 alongside the Activity Areas already provided for in the exception to Rule 12.11.5.2iii.

8.9.3.2 Assessment and Recommendation on Submission Points

Having regard to the matters discussed above the Commission has concluded that it is appropriate to make provision for non-residential activities in AA2a, AA6 and AA8 in the exemption to Rule 12.11.5.2iii that provides an additional allowance of 5dBA L₁₀. In doing so the Commission notes that the majority of the Activity Areas will now be subject to the exemption but has refrained from redrafting the rule to state only those Activity Areas to which the rule applies. As a consequence the Commission **recommends** as follows:

1. That the submission by **Neki Patel** is **rejected**; that the supporting further submission by **Penelope Young** is **rejected**; and the opposing further submission by **Shotover Park Limited** is **accepted**.

8.9.3.3 Recommendation on Component [9]

Component [9] – Changes to noise controls in the RPZ

- (a) Modify Rule 12.11.5.2iii as follows:

Except:

In Activity Areas 2a, 3, 4, 5, 6, ~~and 7~~ and 8, 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~~ and 8: ...

Commission's Recommendation
Approve.

8.10 Component [10]

8.10.1 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.

8.10.2 Submissions

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.

8.10.3 Assessment

8.10.3.1 Discussion & Reasons

In Rule 12.11.3.6 (Table 1), the row entitled “Panelbeating...” prohibits various activities. The requestor notes however that some of these activities are undertaken as ancillary activities to permitted or controlled activities in the RPZ. For example the existing cafes and restaurants in the RPZ store empty bottles before disposal, and the supermarket stores goods in the warehouse area. Mr Brown agreed with Ms Hutton’s concern with respect to the wording proposed in Item (a) in Component [10]. Mr Brown emphasised that the intent of Component [10] is certainly not to change the prohibited status of any standalone motor vehicle repair, spray painting, motor vehicle dismantling or motor body building activity. He emphasised that providing for such activities would be contrary to the non-industrial flavour of the RPZ.

Mr Brown has recommended an alternate wording of the Activity description in the row commencing “Panelbeating...” in Rule 12.11.3.6 Table 1 to satisfy the concerns initially raised by Ms Hutton. The Commission is satisfied that the amendment presented by Mr Brown is consistent with the intent of Item (a) of Component [10] in that it provides exemptions with respect to activities ancillary to activities which are otherwise provided for in the RPZ.

Component [10] of PC 34 as publicly notified promoted an amendment to Rule 12.11.3.6 (Table 1) in the row commencing “Service activities” to exclude these provisions from service activities that are ancillary to a permitted, controlled or discretionary activity.

Ms Hutton’s section 42A report pointed out that the definition of Service Activity as contained in the Operative District Plan means the use of land and goods for the primary purpose of the transport, storage, maintenance or repair of goods. Ms Hutton was concerned that the change proposed in Item (b) of Component [10] effectively seeks to replicate what is already in the definition of Service Activity. Mr Brown agreed that the additions proposed in Item (b) of Component [10] replicate the definition, and are not necessary. The Commission concurs.

8.10.3.2 Assessment and Recommendation on Submission Points

Having regard to the matters discussed above the Commission has concluded that Item (a) in Component [10] of PC 34 should be approved with modification; and that Item (b) of Component [10] should be declined. As a consequence the Commission **recommends** as follows:

1. That the submission by **Neki Patel** be **accepted in part**; that the supporting further submission by **Penelope Young** be **accepted in part**; and that the opposing further submission by **Shotover Park Limited** be **accepted in part**.

8.10.3.3 Recommendation on Component [10]

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.

Commission’s Recommendation

Approve With Modification: In Rule 12.11.3.6 (Table 1) the wording of the row commencing “Panelbeating...” is to be amended to read:

“Panelbeating, spray painting, motor vehicle repair (except if ancillary to any service station or motor vehicle sales premise) or dismantling, fibreglassing, sheet metal work, bottle or scrap bulk storage or processing, motorbody building, fish or meat processing (except if ancillary to any retail activity or restaurant), or any activity requiring an offensive trade licence under the Health Act 1956.”

- (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.

Commission’s Recommendation

Decline.

8.11 Component [11]

8.11.1 Component [11] – Changes relating to site and building design within the zone

The specific changes of 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:

4₃ ~~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 12.11.5.1iii, 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 12.11.6b (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 12.11.6b (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 12.11.6d (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.

8.11.2 Submissions

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 seeks 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.

8.11.3 Assessment

8.11.3.1 Discussion & Reasons

The RPZ objectives and policies, rules, assessment matters and other methods promote high quality site and building design. The requestor is concerned that some of the language used in these provisions is subjective and vague, and does not promote a clear, objective expression of how urban and building design should be undertaken or assessed. The intent of Component [11] of PC 34 is to remedy this.

Items (a)-(k) of Component [11] relate to various provisions. In some instances further amendments have been promoted to the matters stated in Component [11] Items (a)-(k) as presented in the notified plan change, and these amendments were discussed by Mr Brown at the hearing.

Following consideration of the matters discussed at the hearing the Commission has concluded that some of the amendments proposed should be approved, others should be approved with modification and others should be declined. The various items in Component [11] are discussed below in the sequence that such items are presented in the notified plan change.

Item (a)

The Commission considers that Policy 2 under Objective 4 should provide for variety of built form, scale and height within the Remarkables Park Zone which relate well to development within the Zone and to the alpine setting. Amendments to this effect will ensure that the policy reflects the need for the built form to relate well to development within the zone and to the alpine setting which is obvious in public views obtained from the RPZ. The Commission accepts that the Remarkables Park Zone is not “a mountain village” as referred to in Policy 2 in the Operative District Plan.

Item (b)

Item (b) in Component [11] promotes the deletion of the existing Policy 3 under Objective 4. This is “To enable clusters of buildings and structures to be developed.”

The Commission notes that the existing commercial area at Remarkables Park is a clustered form of development that has proven to be successful. The Commission also notes that clusters are provided for in various parts of the RPZ as shown on the Draft Indicative Master Plan that was presented by Mr Brown at an early stage of the hearing and which is attached to this report at **Appendix 4**. The Commission’s conclusion is that Policy 3 under Objective 4 (as stated in the Operative District Plan) should be retained.

Item (c)

The existing Policy 4 under Objective 4 is “To encourage the use of colours and materials which are complementary to the local environment.” Item (c) in Component [11] promotes that the word “urban” be inserted instead of “local” in this policy. The Commission observes that the policy as it stands, which refers to the “local environment”, has successfully guided development to date in the RPZ, particularly within the commercial centre in AA5. In all the circumstances the Commission considers that the term “local environment” is preferable to “urban environment” which has a generic connotation that does not fit with the high standard of environmental amenity to be attained in the RPZ.

The Commission notes that a Policy 7 is to be inserted under Objective 4 to refer to the Remarkables Park Design Review Board. The Commission considers this policy appropriate subject to the deletion of the words “Public/private collaboration”.

Item (d)

The Remarkables Park Design Review Board (referred to as the “Design Review Board” in the Operative District Plan) is required to review applications for buildings that exceed the specified height within the RPZ. The Queenstown Urban Design Panel exists and also provides guidance and reports for consideration in the context of resource consents, including applications (other than for height exceedance) which relate to the RPZ. The requestor considers that this duplication of responsibility is unnecessary and inefficient, and Component [11] – Item (d) seeks to remedy this.

The Commission considers that there is benefit in expanding the role of the Remarkables Park Design Review Board to avoid unnecessary duplication and inefficiencies. The Commission considers that there is benefit in having a particular Design Review Board which focuses on design matters in the context of the RPZ.

The Commission notes that the Implementation Method ii presented by Mr Brown provided for the Remarkables Park Design Review Board panel to consist of four independent members that may include the following independent experts: architect; urban designer; resource management planner; landscape architect; building/retail economist; developer. Given that the function of the Remarkables Park Design Review Board is to focus on urban design, site planning and building design the Commission does not consider it appropriate to include a “building/retail economist” or “developer” within the range of independent experts who may be included in the panel.

The Commission also considers it appropriate that reference be made to the Indicative Master Plan in the relevant provisions. This is consistent with the intent of the general submission by the **Queenstown Lakes District Council** [discussed by us in 8.18.2 on page 71 below] that development should proceed according to good urban design principles. The Indicative Master Plan is a useful tool which will assist the Remarkables Park Design Review Board in its work; and the Commission is satisfied that reference to an updated Indicative Master Plan should be included in the relevant provisions that relate to the work of the Remarkables Park Design Review Board which should include refining of the Indicative Master Plan, as appropriate.

Item (e)

The Commission supports the amendments to Policy 2 under Objective 7, subject to an amendment which refers to consolidated medium density “commercial centre that incorporates open space”. The Commission considers that such open space should be incorporated, consistent with development which has occurred within the existing commercial centre at Remarkables Park; “that incorporates” is therefore preferred to the words “can incorporate” in Policy 2.

Item (f)

The Commission supports the amendments proposed to Policy 5 under Objective 7. The Commission notes that the reference to “alpine landforms” in Policy 5 is consistent with the reference to “alpine setting” promoted in Policy 2 under Objective 4 (see Item (a) above).

Item (g)

Item (g) relates to Policy 5 under Objective 8. The Commission notes that Objective 8 relates to the commercial centre at Remarkables Park and therefore considers that Policy 5 should refer to a “town centre” identity, rather than a “town identity”. The Commission notes that Remarkables Park is not a “town” per se.

The Commission also considers it appropriate that reference should be made to maintaining important views rather than simply having regard to them.

Items (h) – (j)

The Commission considers that the amendments to wording in Site Standard 12.11.5.1iii which provides a cross reference to the Implementation Method under Objective 4 that relates to the Remarkables Park Design Review Board (see Item (d) above), and the amendments proposed to the Assessment Matters under Rule 12.11.6iiib, are appropriate. These matters are addressed in Items (h) – (j) inclusive in Component [11] of PC 34.

Item (k)

Mr Brown considered that a better urban design outcome could be achieved by inserting an additional bullet point at the commencement of Rule 12.11.6iii(d) that relates to Building Design and Appearance. He observed that currently the rules and assessment matters for the RPZ do not explicitly require that any new development is assessed in its neighbourhood context and he recommended additional provisions to remedy this. In summary Mr Brown's additional bullet point would require assessment as to the integration of the building with the neighbourhood including with the street, open space and pedestrian connections, existing buildings and where possible anticipated future buildings and sites, taking into account an appropriate context for the building in the immediate neighbourhood (which he proposed to be defined as an area contained within a radius of at least 50 metres of the external walls of the proposed building). The Commission considers that this additional bullet point is appropriate, subject to an amendment in the fourth line which refers to "...anticipated future buildings (with respect to indicative location, volume and height)."

The fourth bullet point in the track change version of the Remarkable Park Zone provisions (Mr Brown's Annexure D dated 31 August 2011) promotes the deletion of an Assessment Matter "That clusters and groupings of buildings are designed to fit the form and contour of the land". The Commission considers that this assessment matter is appropriate and should be retained, consistent with the approach taken in Item (b) of Component [11] above.

The fifth bullet point is proposed to be amended to insert the words "has regard to" rather than "optimises". The Commission considers that the words "takes into account" are preferable to the status quo and to the alternate wording promoted in the notified plan change.

The eighth bullet point is proposed to be amended to refer to the "local context including the purpose of the Activity Area". The Commission considers that reference to "the purpose" of the Activity Area is inappropriate; but considers that reference should be made to the "local context and the character of the Activity Area" instead.

The amendments to the tenth bullet point provide for sloping roofs to be encouraged "where appropriate" for variety and visual character taking into account the purpose of the Activity Area. The Commission considers that the words "where appropriate" are inappropriate in an Assessment Matter and that the "character" rather than the "purpose" of the Activity Area should be referred to.

8.11.3.2 Assessment and Recommendation on Submission Points

Having regard to the matters discussed above the Commission has concluded that Policy 2 under Objective 4 should be widened; and that the role of the Remarkables Park Design Review Board should be widened. As a consequence the Commission **recommends** as follows:

1. That the submission by the **Queenstown Lakes District Council** that supports the proposed changes to Policy 2 with an amendment to require the need to reflect the wider landscape context be **accepted**; that the supporting submission by **Penelope Young** be **accepted** and that the opposing submission by **Shotover Park Limited** be **rejected**.
2. That the submission by the **Queenstown Lakes District Council** that opposes amendments relating to the Urban Design panel and seeks that the scope of the Remarkables Park Design Review Board is not broadened be **rejected**; that the

supporting further submission by **Penelope Young** be **rejected**; and that the opposing further submission by **Shotover Park Limited** be **accepted**.

8.11.3.3 Recommendations on Component [11]

Component [11] – Changes relating to site and building design within the zone

(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.~~

Commission's Recommendation

Approve With Modification: Amend Policy 2 to read:

~~"To ensure that the provide variety of built form, scale and height within the Remarkables Park Zone built environment reflects the qualities of a mountain village, including pitched roofs and variety in form, scale and height of buildings which relate well to development within the Zone and to the alpine setting."~~

(b) Delete Policy 3 of Objective 4, and renumber the subsequent policies.

Commission's Recommendation

Decline.

(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.*

Commission's Recommendation

Decline.

(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.

Commission's Recommendation

Approve With Modification: The proposed Policy 7 under Objective 4 is to be amended to delete the words "as a public/private collaboration"; and Implementation Method ii under Objective 4 is to state as follows:

"ii. Other Methods Remarkables Park Design Board

~~A The Remarkables Park Design Review Board shall be used to evaluate proposals for development and redevelopment within the Remarkables Park Zone, 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 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 purpose of the Remarkables Park Design Review Board is to review and provide recommendations on development and redevelopment proposals within the Remarkables Park Zone. The Board is structured to promote a collaborative approach between the Council and Remarkables Park Limited to urban design, site planning and building design, to ensure that development within the Zone is appropriate in the context of:~~

- ~~• existing and anticipated future development in the immediate neighbourhood;~~
- ~~• the existing and anticipated future streetscape, public open spaces and walkway connections;~~
- ~~• the relevant objectives and policies of the Zone; and~~
- ~~• the Activity Area and adjoining Activity Areas, with reference to an updated Indicative Master Plan to be refined as appropriate by the Remarkables Park Design Board.~~

~~Note: for the purposes of this provision, the "immediate neighbourhood" is an area contained within a radius of at least 50 metres of the external walls of the proposed building.~~

~~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 nominated by the Council and two members are to be appointed nominated by Remarkables Park Limited. This panel may include the following independent experts: architect; urban designer; resource management planner; and landscape architect. The reasonable costs of the Design Review Board shall be met by the applicant.~~

~~For developments or redevelopments that are small in scale, a report from an urban design professional may be appropriate rather than an assessment and recommendations by the Remarkables Park Design Review Board."~~

(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.*

Commission's Recommendation

Approve With Modification: Modify Policy 2 of Objective 7 to state as follows:

- 2 *To enable a consolidated medium density commercial centre that incorporates 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.~~*

Commission's Recommendation

Approve.

(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.~~*

Commission's Recommendation

Approve With Modifications: Modify Policy 5 of Objective 8 to state as follows:

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

(h) In Site Standard 12.11.5.1iii, 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.

Commission's Recommendation

Approve.

(i) In Assessment Matter 12.11.6iiiib (Private Open Space), modify the first bullet point as follows:

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

Commission's Recommendation

Approve.

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

Commission's Recommendation

Approve.

(k) Modify Assessment Matter 12.11.6iiid (Building Design and Appearance).

Commission's Recommendation

Approve With Modifications: Modify Assessment Matter 12.11.6iiid (Building Design and Appearance) as follows:

d Building Design and Appearance

- That the building integrates appropriately with the neighbourhood including with the street, open space and pedestrian connections, existing buildings and where possible anticipated future buildings (with respect to location, volume and height) and sites in the immediate neighbourhood, and how the building and the neighbourhood relate to and integrate with the Activity Area and adjoining Activity Areas, with reference to an updated Indicative Master Plan.

Note: for the purposes of this provision the "immediate neighbourhood" is an area contained within a radius of at least 50 metres of the external walls of the proposed building.

- ~~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 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~~ takes into account 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 and to the character 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~~ for variety and for visual character, taking into account the character of the Activity Area, and to enhance snow removal and for their visual character.

8.12 Component [12]

8.12.1 Component [12] – Height of buildings in AA8

The specific changes of Component [12] are:

(a) In Site Standard 12.11.5.1iii (building height) [sic – Site Standard 12.11.5.1iv in Operative District Plan], add a new bullet point as follows:

- Activity Area 8 9m

- (b) In Zone Standard 12.11.5.2ii (building height), in the row labelled “Activity Area 8”, delete “7m” and replace with “18m”.

8.12.2 Submissions

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

Queenstown Airport Corporation submits 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 submits that the Plan Change should be rejected on the grounds that that it seeks to amend the height provisions in Zone Standard 12.11.5.2ii.

***Penelope Young** supports this submission.*

***Shotover Park Limited** opposes this submission as the submitter contends 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 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 the plan change does not propose to expand the Remarkables Park Zone. The issues raised 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 the plan change does not propose to expand the Remarkables Park Zone. The issues raised 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 opposes increasing the height limit in Activity Area 8 and seeks 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.

8.12.3 Assessment

8.12.3.1 Discussion & Reasons

The maximum height of buildings in Activity Area 8 (AA8) (except in the southern leg of AA8, adjacent to AA5, in which buildings are prohibited) is currently 7 metres in terms of Zone Standard 12.11.5.2ii.

The requestor has noted that the activities promoted in AA8 are commercial recreational activities. The requestor envisages that buildings are likely to be associated with a golf course, a gymnasium, or indoor facilities for sports, to complement outdoor recreational facilities. The requestor considers that buildings of this nature may need to be higher than 7 metres. The requestor considers that for commercial recreational facilities in AA8, a building height maximum of 18 metres is more suitable.

That part of AA8 where buildings are permitted includes the northern portion of RPZ, adjacent to Queenstown Airport and the Queenstown Airport Mixed Use Zone (AMUZ). Rule 6.2.5.2 of the Operative District Plan is a Zone Standard which establishes a maximum building height of 9 metres in the AMUZ.

Component [12] of PC 34 promotes an amendment to Site Standard 12.11.5.1iii being the Site Standard relating to Building Height, to provide a specified building height of 9 metres for AA8. Component [12] also promotes an amendment to Zone Standard 12.11.5.2ii to establish a maximum height of 18 metres in AA8. The effect of these changes is that a building up to 9 metres in AA8 would be a permitted activity; between 9 and 18 metres

would be a discretionary activity; and any building over 18 metres would be a non-complying activity.

The Commission considers that the height of buildings in AA8 should be lower than buildings permitted elsewhere in the RPZ including in AA6 which is located generally to the south of AA8. The Commission considers that it is appropriate that a Zone Standard be applied to AA8 which is consistent with the Zone Standard that controls height of buildings in the nearby AMUZ. In essence the Commission finds that Zone Standard 12.11.5.2ii should be amended to provide for a maximum height of 9 metres (and not 18 metres) in AA8. As a consequence no change is required to Site Standard 12.11.5.1iv.

Ms Hutton's section 42A report noted that part of AA8 is subject to a Notice of Requirement by the Queenstown Airport Corporation. This Notice of Requirement applies to an area of 19.1 hectares and applies to land described as Lot 6 DP 304345, a part of land described as Lot 7 DP 304345 and a portion of unformed legal road. The Commission simply notes that the Notice of Requirement is to be heard directly by the Environment Court in separate proceedings. Given that the outcome of this process is uncertain the Commission does not consider that the Notice of Requirement is of any particular significance in the context of PC 34. For completeness it is noted that section 178(2) confirms that no person may do anything that will prevent or hinder the public work, project, or work to which the designation relates unless the person has the prior written consent of the requiring authority.

This provides the requiring authority with control irrespective of the outcome of PC 34.

The Commission considers that a Zone Standard that provides for a maximum height of 9 metres is consistent with the function of the AA8. The Commission considers that a lower scale of development is appropriate in AA8 when compared to the adjacent AA6 where a height up to 12 metres is permitted; a height between 12 and 18 metres is a discretionary activity; and any building over 18 metres requires consent to a non-complying activity.

8.12.3.2 Assessment and Recommendation on Submission Points

Having regard to the matters discussed above the Commission has concluded that Component [12] of PC 34 should be approved only to the extent that Zone Standard 12.11.5.2ii is to be amended to provide for an increased height of 9 metres (and not the current 7 metres or the requestor's preferred 18 metres) within AA8. As a consequence the Commission **recommends** as follows:

1. That the submission by **Sebastian Smith** in support of the plan change and increase in the height limit in AA8 be **accepted in part**.
2. That the submission by **Queenstown Airport Corporation** that any changes to AA8 be rejected or that the plan change is rejected be **rejected**; that the supporting further submissions by **Queenstown Gateway Limited** and **Penelope Young** be **rejected**; and that the opposing further submission from **Shotover Park Limited** be **accepted in part**.
3. That the submission by **Queenstown Airport Corporation** that the plan change should be rejected on the grounds that it seeks to amend the height provisions in Zone Standard 12.11.5.2ii be **rejected**; that the supporting further submission by **Penelope Young** be **rejected**; and that the opposing further submission by **Shotover Park Limited** be **accepted in part**.
4. That the submission by **Queenstown Central Limited** that 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 be **rejected**; that supporting further submissions from **Penelope Young** and **Queenstown Airport Corporation Limited** be **rejected**; and that the opposing further submission from **Shotover Park Limited** be **accepted in part**.

5. That the submission by **Queenstown Gateway Limited** that 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 to a motion pursuant to section 149T(2) on a Notice of Requirement to alter the existing aerodrome purposes designation in the District Plan be **rejected**; that supporting further submissions from **Penelope Young** and **Queenstown Airport Corporation Limited** be **rejected**; and that an opposing further submission by **Shotover Park Limited** be **accepted in part**.
6. That the submission from **Neki Patel** that opposes the increase of building height to 18 metres as this needs to be discussed fully be **accepted in part**; and that the supporting further submission from **Penelope Young** be **accepted in part**; and that the opposing further submission by **Shotover Park Limited** be **accepted in part**.
7. That the submission by **Queenstown Lakes District Council** that opposes increasing the height limit in Activity Area 8 and seeks that the existing height limit in AA8 remains be **rejected**; that the supporting submission by **Penelope Young** be **rejected**; and that the opposing further submission by **Shotover Park Limited** be **accepted in part**.

8.12.3.3 Recommendations on Component [12]

Component [12] – Height of buildings in AA8

- (a) In Site Standard 12.11.5.1iv (building height) [sic – to be site Standard 12.11.5.1iii as a consequence of Component [13](b)(vi)], add a new bullet point as follows:

- Activity Area 8 9m

Commission’s Recommendation Decline.

- (b) In Zone Standard 12.11.5.2ii (building height), in the row labelled “Activity Area 8”, delete “7m” and replace with “18m”.

Commission’s Recommendation

Approve With Modification: Modify Zone Standard 12.11.5.2ii that relates to Building Height in the row labelled “Activity Area 8” to delete “7m” and replace with “9m”.

8.13 Component [13]

8.13.1 Component [13] – Miscellaneous amendments to the RPZ provisions

The specific changes of 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:
- (i) **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.
 - (ii) **Various places** In relation to the commercial/retail centre, the word “new” is removed because the centre in AA5 now exists
 - (iii) **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.
 - (iv) **Rule 12.11.3.2i** 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.
 - (v) **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.
 - (vi) **Rule 12.11.5.1iii** Delete this rule (relating to lift towers) because it is inconsistent with Rule 12.11.5.2ii(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.
 - (vii) **Rule 12.11.5.2x** There is no resource management reason why domestic pets cannot be kept in the activity areas that promote residential activities.
 - (viii) **Part 12.11.6a** 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.

8.13.2 Submissions

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

8.13.3 Assessment

8.13.3.1 Discussion & Reasons

Component [13] Item (a) proposes various changes to Figure 1 Activity Areas Structure Plan, and Component [13] Item (b) proposes various changes to the text of the RPZ provisions which the requestor considers have become out of date since first included in the District Plan, or inconsistent with other provisions, are ambiguous or which otherwise can be more clearly expressed.

Mr Brown confirmed at the hearing that Component [13](a)(i) relates to long thin slivers of land between Activity Area 8 and Queenstown Airport Corporation land. The Commission considers that it is appropriate for this change to be made to the boundary of the RPZ as it is consistent with current property boundaries.

Component [13] (a)(ii) proposes to relocate the boundary between AA6 and AA8 north by 20 metres. The Commission notes that the current boundary between AA6 and AA8 follows the southern boundary of the existing legal road that bisects the RPZ. In essence this change is to apply the AA6 to the 20 metre wide corridor of that legal road adjacent to AA6.

Mr Brown provided the Commission with a copy of a plan of subdivision RM 090321 which was granted consent on or about 24 September 2009. That plan of subdivision provided for the Eastern Access Road (being an extension of Hawthorne Drive) to be located generally to the south of the existing legal road alignment. As a consequence a strip of land within AA6 will now be located to the north of the EAR.

The Commission considers that extending AA6 an additional 20 metres as proposed in Component [13] (a)(ii) creates the potential for better design for development within the strip of AA6 to the north of the EAR; and is unlikely to result in any adverse effect that is measurable in terms of noise associated with airport operations. In essence the Commission has concluded that the extension by 20 metres of AA6 is likely to provide a better outcome than the status quo in this locality.

The Commission notes that Component [13](a)(iii) was withdrawn in correspondence from the Brown & Company Planning Group to the Council dated 11 August 2011 that was attached as Appendix F to the section 42A report. The Commission is satisfied that this element of PC 34 should be declined as it has been withdrawn.

The Commission has given consideration to the proposal to insert the words “second home owners” in the Explanation and Principal Reasons for Adoption section that follows Objective 2 as promoted in Component [13] Item (b)(i). The Commission has concluded that a reference to “second home owners” is not required if the word “permanent” is deleted from the relevant sentence. The Commission is satisfied that a generic reference to “residents” rather than “permanent residents” is appropriate in this context.

The Commission has considered the proposal to use the term “commercial/retail centre” rather than “centre” as promoted in Component [13](b)(ii). The Commission prefers the term “commercial centre” rather than “commercial/retail centre” having regard to the use of the term “commercial centre” in the existing provisions of the RPZ (see Objective 7 of Part 12.10.3) and given the definition of “Commercial Activity” contained in the District Plan that includes retail activity. This matter is also relevant in the context of Component [13] as it relates to Part 12.10.4 of the RPZ provisions.

The Commission considers that other changes promoted in Component [13](b)(ii) and (iv)-(viii) are appropriate. The Commission acknowledges that several of the amendments promoted are changes to descriptive parts of the District Plan text and are minor in nature.

Component [13] Item (c) promotes various miscellaneous changes to the RPZ provisions. The Commission considers that these changes are appropriate except for the proposed change to Policy 1 under Objective 5. In essence the Commission considers that the status quo is appropriate and that it is therefore unnecessary to introduce the words “where appropriate” in preference to “between each”.

8.13.3.2 Assessment and Recommendation on Submission Points

The various changes to the RPZ provisions considered under Component [13] relate to Other Matters raised in Submissions (discussed further below) or in the context of Component [1]. Specific recommendations with respect to submissions are detailed in those parts of this report.

8.13.3.3 Recommendation on Component [13]

Component [13] – Miscellaneous amendments to the RPZ provisions

(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.

Commission’s Recommendation
Approve.

- (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).

Commission’s Recommendation
Approve.

- (iii) Other modifications to reflect the roading layout consented by RM 090321. This item has been withdrawn.

Commission’s Recommendation
Decline.

(b) Changes as follows:

- (i) **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.

Commission’s Recommendation

Approve With Modification: the second sentence of the Explanation and Principal Reasons for Adoption under Objective 2 is to state:

“There will be a balance of ~~permanent~~ residents and visitors housed in a mix of building styles set in a park like surrounding.”

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

Commission’s Recommendation

Approve.

- (iii) **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.

Commission’s Recommendation

Approve With Modification: The word “commercial” is to be added in relation to the word “centre” in Part 12.10.4.

- (iv) **Rule 12.11.3.2i** 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.

Commission’s Recommendation

Approve.

- (v) **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.

Commission’s Recommendation

Approve.

- (vi) **Rule 12.11.5.1iii** Delete this rule (relating to lift towers) because it is inconsistent with Rule 12.11.5.2ii(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.

Commission’s Recommendation

Approve. Rule 12.11.5.1iii is to be deleted.

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

Commission's Recommendation
Approve.

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

Commission's Recommendation
Approve.

- (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.

Commission's Recommendation
Approve With Modification: No change is to be made to Policy 1 under Objective 5.

8.14 – 8.18 Other Matters raised in Submissions

8.14.1 Natural Hazards

The **Otago Regional Council** submits 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**.*

8.14.2 Assessment

8.14.2.1 Discussion & Reasons

Ms Hutton's section 42A report informed us that the Queenstown Lakes District Council hazard register identifies that the entire RPZ is either "susceptible" or "possibly susceptible" to liquefaction. Ms Hutton has also informed us that liquefaction was considered by Lakes Environmental at the time of the subdivision application RM 090321. The Commission is satisfied that the risks of liquefaction were considered at the time of the subdivision consent RM 090321 in 2009 and that PC 34 will not significantly change the status quo in terms of the risk of liquefaction.

8.14.2.2 Assessment and Recommendation on Submission Point

For the reasons stated above the Commission considers that liquefaction was appropriately addressed in the context of RM 090321. As a consequence the Commission **recommends:**

1. That the submission by **Otago Regional Council** be **rejected**; and that the supporting further submission by **Penelope Young** be **rejected**.

8.15.1 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.

8.15.2 Assessment

8.15.2.1 Discussion & Reasons

The Commission heard evidence from Mr Penny to the effect that PC 34 (and particularly the expansion of AA5 proposed in Component [1]) will have no particular effect on the State Highway network. The Commission notes that the Eastern Access Road (EAR) will ultimately be linked to State Highway 6 at the northern edge of the Frankton Flats. When this is accomplished access to the RPZ will be available from State Highway 6 north of the Frankton Flats and from State Highway 6 (being the north-south leg) which passes through Frankton. The Commission acknowledges that the NZ Transport Agency that administers the State Highway network has not lodged a submission in response to PC 34. The Commission also notes that Queenstown Central Limited and Queenstown Gateway Limited provided no traffic engineering evidence in support of their submissions. The Commission does not accept the concerns expressed by the submitters with respect to this matter.

8.15.2.2 Assessment and Recommendation on Submission Points

1. That the submission by **Queenstown Central Limited** be **rejected**; that the supporting further submission from **Penelope Young** be **rejected**; and that the opposing further submission by **Shotover Park Limited** be **accepted**.
2. That the submission by **Queenstown Gateway Limited** be **rejected**; that the supporting further submission by **Penelope Young** be **rejected**; and that the opposing further submission by **Shotover Park Limited** be **accepted**.

8.16.1 Adequacy of consultation

Queenstown Airport Corporation submits that it is an immediate neighbour and was 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. The issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.

8.16.2 Assessment

8.16.2.1 Discussion & Reasons

The Commission has considered the submissions and evidence presented in support of the submission by the Queenstown Airport Corporation Limited at the hearing. The matters raised by the submitter have been carefully considered by the Commission. In all the circumstances the Commission is satisfied that matters of concern to Queenstown Airport Corporation Limited have been properly raised and considered and that consultation has therefore effectively occurred through the statutory plan change submission process. In all the circumstances the Commission does not consider that it would be appropriate for PC 34 to be placed on hold or rejected in its entirety as promoted by the submitter.

8.16.1.2 Assessment and Recommendation on Submission Points

1. That the submission by **Queenstown Airport Corporation** be **rejected**; that the further supporting submission by **Penelope Young** be **rejected**; and that the further opposing submission by **Shotover Park Limited** be **accepted**.

8.17.1 General support and general amendments to the Plan Change

The various general submissions in support or 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** and **Miles Wilson** support Plan Change 34 in full.
- (b) **Shotover Park Limited** supports the Plan Change in its entirety subject to Activity Area 3 being 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** supports the Plan Change. The Association also submits that the road connection between Remarkables Park and Glenda Drive should be speeded up and implemented.
- (d) **The Minister of Education** believes the Plan Change should be approved with 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.

8.17.2 Assessment

8.17.2.1 Discussion & Reasons

The Commission notes that several submitters have expressed support for PC 34 in full. The Commission has recommended in terms of the various items in Components [1]-[13] that changes be approved, approved with modification or declined. As a consequence those submissions that express full support for Plan Change 34 are to be accepted in part.

The submission by **Shotover Park Limited** refers to the extension of Activity Area 3 to create a physical link to the proposed expanded Activity Area 5. The Commission notes that the Draft Indicative Master Plan presented by Mr Brown at the hearing that is reproduced at **Appendix 4** to this report provides for such linkages to be achieved.

The submission by the **Frankton Community Association** promotes that the road connection between Remarkables Park and Glenda Drive be speeded up and implemented. It is clear that progress is being made towards establishing this road link through the Notice of Requirement process provided for in the Resource Management Act 1991. The Commission notes however that the speeding up and implementation of such a road link falls outside the scope of PC 34. In terms of the submission by **Queenstown Lakes District Council** the Commission notes that the term "town centre" is to be used in Policy 5 under Objective 8; and the Commission considers that this term is appropriate in this context.

The Commission has noted the submission of the **Queenstown Lakes District Council** with respect to strategic District Wide issues. The Commission notes in this context that Plan Change 19 and Plan Change 35 as well as the Notice of Requirement with respect to expansion of the Queenstown Airport are all in the statutory process. As a consequence no firm conclusions can be drawn with respect to the outcome of these processes. The Commission has therefore focussed it's attention on PC 34 and its implications in the

context of the Operative District Plan including the District Wide objectives and policies stated in Section 4.

The **Queenstown Lakes District Council** has also raised the issue of effects on the water network. The evidence of Mr Lee confirmed that the changes that will result from PC 34 can be accommodated within the water network.

8.17.2.2 Assessment and Recommendations on Submission Points

Having regard to the matters discussed above the Commission **recommends**:

1. That the submissions by **Samuel Burgess, Pat Cummings, Dan Egerton, Alexa Forbes, Sam Hazledine, Aaron Irvine, Steven Kirk, J.W.A. Smith, Simon Smith, John Ward** and **Miles Wilson** that support Plan Change 34 in full be **accepted in part**.
2. That the submission by **Shotover Park Limited** that supports the Plan Change in its entirety subject to AA3 being extended to create a physical link to the expanded AA5 be **accepted in part**.
3. That the submission by the **Frankton Community Association** that supports PC 34 and submits that the road connection between Remarkables Park and Glenda Drive should be speeded up and implemented be **accepted in part**.
4. That the submission by **The Minister of Education** be **accepted in part**.
5. That the submission by **Ralph Hanan** be **accepted in part**.
6. That the submission by the **Queenstown Lakes District Council** that submits that instances where the term 'town centre' is used should be removed be **accepted in part**; that the further supporting submission by **Penelope Young** be **accepted in part**; and that the further opposing submission by **Shotover Park Limited** be **accepted in part**.
7. That the submission by the **Queenstown Lakes District Council** that submits that the Plan Change be declined unless adequate and appropriate provisions are made to deal with strategic District Wide issues be **rejected**; that the supporting further submission by **Penelope Young** be **rejected**; and that the opposing further submission by **Shotover Park Limited** be **accepted**.
8. That the submission by the **Queenstown Lakes District Council** that 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 be **accepted in part**; that the further submission by **Penelope Young** be **accepted in part** and that the opposing further submission by **Shotover Park Limited** be **accepted in part**.

8.18.1 General Opposition to 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. 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. 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 principles. 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.

- (g) **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.

8.18.2 Assessment

8.18.2.1 Discussion & Reasons

The Commission has concluded following consideration of Components [1] -]13] that various items raised in the plan change be approved, approved with modification or declined. As a consequence submissions in opposition to PC 34 are to be accepted in part.

The Commission acknowledges that the submissions by **Caroline Burnett** and **Neki Patel** raise issues with respect to the clarity of the changes that are sought to the RPZ provisions. The Commission has some sympathy with these concerns but acknowledges that PC 34 proposes amendments to various provisions of a statutory document and of necessity must be presented in a manner which is legally robust but which may be difficult to follow, particularly for lay persons not actively involved in resource management matters.

Penelope Young has raised concerns with respect to the vesting of a local purpose reserve. The Commission notes that the plan of subdivision RM 090321 which was granted consent on or about 24 September 2009 provided for the creation of Lots 300 and 311 as "Open Space/Linkages". Mr Young confirmed that these lots will vest in the Council as Reserve upon deposit of the survey plan. This action appears to satisfy the concerns expressed by **Penelope Young** in her submission on this matter.

The **Queenstown Lakes District Council** has sought that a detailed Structure Plan be provided to show how the development can proceed according to good urban design principles. The Draft Indicative Master Plan presented by Mr Brown at the hearing showed, on an indicative basis, provision for development within the various activity areas in the RPZ. This appears to address the concerns of the **Queenstown Lakes District Council**, at least in part. The Commission does not consider that it is necessary to follow a formal "Outline Development Plan" process as suggested in the submission.

8.18.2.2 Assessment and Recommendation on Submission Points

1. That the submission by **Queenstown Airport Corporation Limited** be **rejected**; and the supporting further submissions by **Queenstown Central Limited**, **Queenstown Gateway Limited** and **Penelope Young** be **rejected**; and that the opposing further submission by **Shotover Park Limited** be **accepted**.
2. That the submission by **Caroline Burnett** be **accepted in part**; and the opposing further submission by **Shotover Park Limited** be **accepted in part**.
3. That the submission by **Neki Patel** be **accepted in part**; that the supporting further submission by **Penelope Young** be **accepted in part**; and the opposing further submission by **Shotover Park Limited** be **accepted in part**.
4. That the submission by **Penelope Young** be **accepted in part**.
5. That the submission by **Queenstown Lakes District Council** that submits that the applicant should provide a detailed Structure Plan to show how the development can proceed according to good urban design principles be **accepted in part**; that the supporting further submission by **Penelope Young** be **accepted in part**; and the opposing further submission by **Shotover Park Limited** be **accepted in part**.
6. That the submission by **Queenstown Lakes District Council** that submits on the whole plan change be **accepted in part**; that the supporting further submission by

Penelope Young be **accepted in part**; and the opposing further submission by **Shotover Park Limited** be **accepted in part**.

7. That the submission by **Air New Zealand** that submits on the whole of the plan change be **accepted in part**.

9.0 STATUTORY DOCUMENTS

9.1 Objectives and Policies of the Otago Regional Policy Statement

The Otago Regional Policy Statement became operative on 1 October 1998. The Regional Policy Statement contains objectives and policies relating to the Built Environment including Objective 9.4.1 which states as follows:

“9.4.1 To promote the sustainable management of Otago’s built environment in order to:

- (a) Meet the present and reasonably foreseeable needs of Otago’s people and communities; and***
- (b) Provide for amenity values, and***
- (c) Conserve and enhance environmental and landscape quality; and***
- (d) Recognise and protect heritage values.”***

The Commission is satisfied that PC 34 is consistent with Objective 9.4.1 of the Regional Policy Statement and with its supporting policies. The Commission considers that PC 34, which is primarily concerned with reallocating land within an existing zoned urban area and the alteration of District Plan provisions relating thereto, is consistent with the objectives and policies stated in the Regional Policy Statement. The Commission acknowledges that relevant provisions of the Otago Regional Policy Statement are presented in full in Attachment 3 to the section 32 report which accompanied the request for PC 34.

9.2 Objectives and Policies of the Queenstown Lakes District Plan

The Queenstown Lakes District Plan became fully operative on 10 December 2009.

Section 4 of the Queenstown Lakes District Plan contains higher order objectives and policies that apply throughout the District. These objectives and policies are presented in Attachment 4 to the section 32 report. The Commission considers that the objectives and policies stated in Section 4.9 Urban Growth are of particular relevance to PC 34. These objectives and policies state as follows:

“4.9.3 Objectives and Policies

Objective 1 – Natural Environment and Landscape Values

Growth and development consistent with the maintenance of the quality of the natural environment and landscape values.

Policies

- 1.1 To ensure new growth occurs in a form which protects the visual amenity, avoids urbanisation of land which is of outstanding landscape quality, ecologically significant, or which does not detract from the values of margins of rivers and lakes.***
- 1.2 To ensure growth does not adversely affect the life supporting capacity of soils unless the need for this protection is clearly outweighed by the protection of other natural or physical resources or important amenity values.”***

“Objective 2 – Existing Urban Areas and Communities

Urban growth which has regard for the built character and amenity values of the existing urban areas and enables people and communities to provide for their social, cultural and economic well being.

Policies:

- 2.1 *To ensure new growth and development in existing urban areas takes place in a manner, form and location which protects or enhances the built character and amenity of the existing residential areas and small townships.*
- 2.2 *To cluster growth of visitor accommodation in certain locations so as to preserve other areas for residential development.*
- 2.3 *To protect the living environments of existing low-density residential areas by limiting higher density development opportunities within these areas.”*

“Objective 3 – Residential Growth

Provision for residential growth sufficient to meet the District’s needs.

Policies:

- 3.1 *To enable urban consolidation to occur where appropriate.*
- 3.2 *To encourage new urban development, particularly residential and commercial development, in a form, character and scale which provides for higher density living environments and is imaginative in terms of urban design and provides for an integration of different activities, e.g. residential, schools, shopping.*
- 3.3 *To provide for high density residential development in appropriate areas.*
- 3.4 *To provide for lower density residential development in appropriate areas and to ensure that controls generally maintain and enhance existing residential character in those areas.”*

“Objective 4 – Business Activity and Growth

A pattern of land use which promotes a close relationship and good access between living, working and leisure environments.

Policies:

- 4.1 *To promote town centres, existing and proposed, as the principal foci for commercial, visitor and cultural activities.*
- 4.2 *To promote and enhance a network of compact commercial centres which are easily accessible to, and meet the regular needs of, the surrounding residential environments.*

- 4.3 *To recognise and promote the established commercial character of the Commercial Precinct which contributes to its ability to undertake commercial, health care and community activities without adversely affecting the character and amenity of the surrounding environment.”*

“Objective 5 – Visitor Accommodation Activities

To enable visitor accommodation activities to occur while ensuring any adverse effects are avoided, remedied or mitigated.

Policy:

- 5.1 *To manage visitor accommodation to avoid any adverse effects on the environment.*
- 5.2 *To avoid, remedy or mitigate adverse effects of letting of residential units for short-term accommodation on residential coherence and amenity through a registration process and standards.*
- 5.3 *To ensure that the costs and regulatory obligations of visitor accommodation activities are appropriately borne and complied with by visitor accommodation providers.”*

“Objective 6 – Frankton

Integrated and attractive development of the Frankton Flats locality providing for airport operations, in association with residential, recreation, retail and industrial activity while retaining and enhancing the natural landscape approach to Frankton along State Highway No. 6.

Policies:

- 6.1 *To provide for the efficient operation of the Queenstown airport and related activities in the Airport Mixed Use Zone.*
- 6.2 *To provide for expansion of the Industrial Zone at Frankton, away from State Highway No. 6 so protecting and enhancing the open space and rural landscape approach to Frankton and Queenstown.”*

The Commission considers that PC 34, as amended in accordance with the Commission’s recommendations, is consistent with the above objectives and policies. The Commission again notes in this context that the Remarkables Park Zone is a Special Zone already provided for in Section 12 of the Operative District Plan that provides for a mix of urban activities including residential, visitor accommodation, recreational, community, educational, commercial and retail activities. The adjustment to zone boundaries and other RPZ provisions provided for in PC 34 are consistent with the District Wide objectives and policies presented above.

PC 34 makes no substantive change to the objectives that relate to the Remarkables Park Zone as stated in Section 12.10 of the Operative District Plan. The Commission finds that the amendments to policies, rules and other provisions as provided for in PC 34, as amended in terms of the Commission’s recommendations, better achieve the objectives of the RPZ and the purpose of the Act.

The Commission is also satisfied that PC 34, as amended in terms of the Commission's recommendations, is consistent with the objectives presented in Chapter 10 and Chapter 14 of the Operative District Plan that relate to Town Centre Zones and Transportation respectively.

The Commission is satisfied, having regard to their efficiency and effectiveness, that the amendments to the policies, rules and other methods provided for in PC 34, as amended in terms of the Commission's recommendations, are the most appropriate for achieving the relevant District Wide objectives and policies presented in Section 4 of the Operative District Plan and the objectives that apply to the RPZ as presented in Section 12.10.

10.0 SECTION 32 RMA

The Commission acknowledges that the requestor has undertaken an evaluation under section 32 of the Resource Management Act 1991 with respect to PC 34, as required by section 32(1)(d) of the Act.

The Commission also acknowledges that a further evaluation must also be made by a local authority before making a decision under clause 29(4) of the First Schedule (see section 32(2)(a) of the Act). The Commission has undertaken such an evaluation when considering Components [1] – [13] of PC 34. The Commission has evaluated whether, having regard to their efficiency and effectiveness, the policies, rules or other methods provided for in PC 34 are the most appropriate for achieving the objectives stated in the Operative District Plan. Section 32(4) of the Act requires that such evaluation must take into account –

- (a) The benefits and costs of policies, rules or other methods; and
- (b) The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.

The Commission has assessed each item to be changed, as listed in Components [1] – [13] of PC 34. The Commission has determined which items should be approved, approved with modification or declined. In essence a recommendation has been made to decline a particular item promoted in PC 34 where, following evaluation, the benefits do not exceed the costs of making such changes. The Commission's overall finding is that, following evaluation under section 32, PC 34 as amended in terms of the Commission's recommendations makes the most appropriate provision for achieving the objectives of the RPZ and the District Wide objectives specified in Part 4 of the Operative District Plan.

The Commission considers that PC 34, as amended, best achieves the purpose of the Act.

11.0 PART 2 RMA

Part 2 of the Resource Management Act 1991 contains sections 5-8. We refer to them in reverse order.

Section 8 requires us, in exercising our functions on this plan change, to take into account the principles of the Treaty of Waitangi. No issues were raised with us in reports or evidence in relation to section 8.

Section 7 directs that in achieving the purpose of the Act we are to have particular regard to certain matters which include, of relevance here, the efficient use and development of

natural and physical resources, the maintenance and enhancement of amenity values, the maintenance and enhancement of the quality of the environment and any finite characteristics of natural and physical resources. The Commission is satisfied that PC 34, as amended in terms of the Commission's recommendations, will promote efficient use and development of the resources of the Remarkables Park Zone. The Commission is satisfied that PC 34, as amended, is necessary for enabling the better use and development of the finite RPZ land. There are no other matters stated in section 7 which are of any particular relevance to PC 34.

Section 6 sets out a number of matters which are declared to be of national importance and directs us to recognise and provide for them. Section 6(b) confirms that the following is a matter of national importance:

“(b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.”

The land subject to Component [2] of PC 34 is categorised Outstanding Natural Landscape (Wakatipu Basin) at Appendix 8A – Map 3 of the Operative District Plan. The preservation and protection of the north-east part of the escarpment that overlooks the Kawarau River can be achieved by the existing AA2a rules and through the Council's role as the road administering authority for this portion of unformed legal road. In essence the provisions of the RPZ/AA2a will serve to protect ONL (WB) values from inappropriate subdivision, use and development in terms of section 6(b). The Commission is therefore satisfied that PC 34 will not result in inappropriate subdivision, use and development in terms of section 6(b).

The Commission is also satisfied that the proposal does not represent inappropriate subdivision, use and development of rivers and their margins in terms of section 6(a); and that the proposal is consistent with section 6(d) which relates to the maintenance and enhancement of public access to and along rivers. The Commission acknowledges in this context that the requestor is in the process of constructing tracks that will serve to provide public access to and along the true left bank of the Kawarau River and that provision for stopping points for ferries within the RPZ will further enhance public access along the Kawarau River.

Section 5 sets out the purpose of the Act – to promote the sustainable management of natural and physical resources. Taking into account the definition of sustainable management contained in section 5(2) the Commission has reached the view that on balance PC 34, as amended in terms of the Commission's recommendations, will achieve the purpose of the Act.

12.0 OUTCOME

Following our consideration of Plan Change 34 and the submissions and further submissions received thereto we have assessed Components [1] – [13] as detailed in the plan change request and Other Matters raised in the submissions received in response to PC 34. Our conclusion is that particular items contained within the various Components should either be approved, approved with modifications or declined, as detailed above. The Commission has formulated these recommendations having regard to the matters to be considered in terms of section 74, the provisions of section 32, to Part 2 and in particular to the purpose of the Act. The outcome of our consideration is that Plan Change 34, as amended in terms of our recommendations on specific Components, should be incorporated into the Queenstown Lakes District Plan.

The Commission has presented detailed recommendations with respect to the acceptance, acceptance in part or rejection of submissions and further submissions that relate to the constituent items of particular Components of PC 34 and with respect to Other Matters raised in submissions. The Commission has also provided specific recommendations with respect to the constituent items of the particular Components of PC 34, such recommendations being that those items be approved, approved with modification or declined as recommended in the body of this report.

This report incorporating recommendations on Plan Change 34 is dated 8 November 2011.

DAVID WHITNEY
CHAIR

For the Commission being Commissioners David Whitney, Bob Nixon and Brian Waddell

**APPENDIX 1 : PLAN CHANGE 34
AS AMENDED BY RECOMMENDATIONS**

12.10 Remarkables Park Zone

12.10.1 Resources, Activities and Values

The Remarkables Park Area comprises approximately 150 hectares of perimeter urban land in the vicinity of Frankton and occupies a strategic position adjacent to the Kawarau River near the head of the Frankton Arm of Lake Wakatipu. The zone is 1.5 kilometres from the intersection of State Highways 6 and 6A and 8 kilometres from central Queenstown.

The land was formerly zoned partly rural and partly residential. Development of the area for residential purposes began in 1992 following confirmation of Plan Change 87 providing for a traditional residential zoning with accompanying roading, utility services and landscaping for a limited area of the land.

At the same time, and with the increasing pressure on the District to accommodate a broad range of further urban development, a review of the resource management options for the land was undertaken. The proposals in this section integrate the various resource management considerations which have been identified. These considerations are Regional, District and local in nature and combine to create an outstanding opportunity for the sustainable management of the District's natural and physical resources. Development in the area is proposed in a manner which brings together the needs of the District and the local community within an environment which incorporates the existing settlement at Frankton as well as the infrastructure to provide for commercial and increased recreational facilities on the Frankton flats. Most significantly, the resources and activities have been developed having regard to the present and expected future infrastructure of Queenstown Airport.

Development of the Remarkables Park Zone acknowledges the outstanding physical resources and landscape value of the land. Within the objectives of determining an optimum strategy for integrated and sustainable resource management, every consideration has been given to developing the area in a way that maximises the key natural and physical resources and amenity values of its location. These include:

- views of The Remarkables mountains to the south-east.
- views of Coronet Peak to the north.
- views of all other local hills and mountains.
- clear terrain to the north providing for long winter sunshine hours.
- views of, access to and general proximity to the Kawarau River and [Shotover River](#).
- two major natural terraces across the site providing elevated views of the river and views across the river to the foothills of The Remarkables and to the southern arm of Lake Wakatipu.
- a peninsula land-form leading from the major lower terrace across gently-falling land to a beach directly adjacent to the Kawarau River.
- extensive direct riverside access along the eastern and southern boundaries.
- flat land to the north, encompassing [rural land, existing and proposed urban activities](#), the Frankton Corner Shopping Centre, nine-hole golf course, the Queenstown Events Centre, the airport [and the Glenda Drive / Shotover Park industrial and business area](#).
- residential subdivision to the west.
- Lake Wakatipu to the west.

The combined effects of these elements is such that the area provides Queenstown with a site which is well suited to higher density development comprising a mix of urban activities including residential, visitor accommodation, recreational, community, educational, commercial and retail activities.

12.10.2 Issues

- **Development of the land in a way which provides for the District's economic and social needs while protecting the important natural and physical resources of the Frankton area and the wider community.**

The principal resource management issue relates to the development of land in a way that protects and enhances the important natural and physical resources of the District, including the airport, while providing for appropriate development in order to meet the social and economic needs of the community.

Given the proximity to the Remarkables Park Zone of the commercial and visitor node at Queenstown, the existing residential development, proposed commercial centre at Remarkables Park and the Queenstown Airport, a pattern of development comprising residential, recreational, commercial and visitor accommodation activities has been developed in a way which will complement existing and proposed land uses and accordingly produce an integrated and coherent built environment with significant economic and social benefits for the District.

The development proposed for the Remarkables Park Zone is appropriate within its environmental context with airport related controls for areas subject to airport effects and will enable the sustainable management of the landscape. The development will incorporate extensive landscaping, open areas, river-bank enhancement, accessways and pathways, high levels of local amenity and offer opportunities for residential choice and visitor accommodation facilities in a comprehensive and integrated way. The major amenities include links to the Frankton Arm pathway at the western end of the zone and the Shotover River to the east.

12.10.3 Objectives and Policies

Objective 1:

Integrated management of the effects of residential, recreation, commercial, community, visitor accommodation, educational and Queenstown Airport activities.

Policies:

- 1 To require development to be undertaken in an integrated manner which maximises environmental and social benefits.
- 2 To provide for an efficient pattern of activities in a manner which is safe and convenient for vehicle and pedestrian traffic.
- 3 To achieve higher density residential development.
- 4 To ensure that development takes place in a manner complementary to the operational capability of Queenstown Airport.
- 5 To establish a buffer between the airport and noise sensitive activities in the Remarkables Park Zone.
- 6 To enable the inclusion of commercial activities appropriately integrated into the Remarkables Park Zone.
- 7 To enable visitor accommodation to be appropriately integrated into the Remarkables Park Zone.
- 8 To ensure that the activity areas of the Remarkables Park Zone collectively enable a town to be established including a variety of commercial, retail, community, education, recreation, residential and visitor accommodation activities and pedestrian and transport connectivity, to serve the local, district and regional populations.

Implementation Methods

Objective 1 and associated policies will be implemented through a number of methods including:

i. District Plan

- (a) Inclusion of a specific zone
- (b) Inclusion of a structure plan incorporating Activity Areas
- (c) Notification through Land Information Memorandum of the restrictions on properties between the 58 and 60 dBA Ldn noise contours

- (d) Inclusion of noise control and noise attenuation standards.

(e) [Provision of the Remarkables Park Design Review Board to assess development proposals.](#)

Explanation and Principal Reasons for Adoption

In all respects, the Remarkables Park Zone is a riverside development. As such, development of the Remarkables Park Zone strongly recognises and embraces the presence of the Kowarau River. The river is an important component of the local landscape and has the potential to be a significant beneficial aspect of future development. The river and its margins are presently under-utilised in terms of public access and enjoyment. Encouraged by Council's approach to the nature of reserve contributions the development of the Remarkables Park Zone will enhance riverside utilisation beyond the Remarkables Park Zone by the establishment of accessible open space, amenities and physical and functional linkages with this waterbody.

The development in the zone takes into account the contrast between the site topography (predominantly a series of terraces falling to the river) and the immensely powerful off-site background. This background comprises 360° views of dramatic mountain forms dominated by The Remarkables to the east. The scale of these off-site, vertical elements encourages and minimises the effects of a higher density development which incorporates low rise, multi-storey buildings, established in a landscaped park and setting.

A fundamental part of the strategy as applied to the Remarkables Park Zone is to ensure that the District Plan provisions provide a mix of development opportunities encompassing residential, recreational, educational, commercial and visitor accommodation activities. These will all have regard to and be complementary to the landscape qualities and amenity of the locality. To this end, such activities will be subject to appropriate controls to ensure that all development is assessed on an integrated basis and incorporates significant landscaping of a type and scale appropriate to the built and natural environment to which it is related.

Activity Buffer Area 8 Strategy

A northern perimeter area comprises Area 8 and has been created to function as a buffer zone enabling activities compatible with both the airport and other

Remarkables Park Zone Activity Areas, and providing good separation between them.

Objective 2: Development Form
Urban development in a form which protects and enhances the surrounding landscape and natural resources.

Policies:

- 1 To require development to be undertaken in accordance with a Structure Plan.
- 2 To control the density of residential development.
- 3 To enable the establishment of open space and recreation activities in any of Activity Areas 2a, 2c, 3, 4, 6, 7 and 8.
- 4 To provide for a number of identified Activity Areas within the Structure Plan as follows:

Activity Area 1

- To continue the development of low density residential activities in Activity Area 1.

Activity Area 2

- To develop and enhance the Riverside Public Recreation Activity Area at the location and to the extent shown on the Structure Plan and in a comprehensive and integrated manner.
- To continue, in general terms, the reserve provisions already in force in relation to land in the southern portion of the Remarkables Park Zone, being Activity Areas 2a, 2b and 2c.

Activity Areas 3, 4, 5, 6, 7 and 8

- To require landscaping as part of any development.
- To require the provision of open space as part of any development.

- To control the bulk and location of buildings.
- To provide for certain community activities and educational facilities in Activity Areas 4, 5 and 6.

Activity Area 8

- To enable the establishment of activities of a rural/recreational nature, infrastructural utilities and parking, which are not sensitive to nearby airport operations.

Implementation Methods

Objective 2 and associated policies will be implemented through a number of methods including the following:

- i. **District Plan**
 - (a) As for Objective 1

Explanation and Principal Reasons for Adoption

Plan Change 87 to the Transitional District Plan zoned the western part of the Zone for residential housing purposes. This was achieved by way of an Order of the Planning Tribunal, which was consented to by all parties including the Council and Queenstown Airport Corporation.

It is proposed to develop a community neighbourhood rich in those images which can combine to create a sense of community identity. There will be a balance of ~~permanent~~ residents and visitors housed in a mix of building styles set in a park like surrounding. All residential buildings will be designed and located to secure the widest enjoyment of the views and access to the water.

Priority in the development will be given to open spaces which help create community identity. Pathways frequently separated from roading will provide pedestrian connections throughout the development and together with a network of neighbourhood streets of varying types will encourage pedestrian activity and act to slow motor vehicles.

Accessibility within the development and the other parts of Frankton and the locality will be secured in a number of ways. The river's edge may be

developed for public access. In addition, the possible future introduction of a public transport system, such as water ferries and taxis, linking the Remarkables Park Zone with Frankton Arm and the Queenstown CBD, is anticipated.

Principal avenues may be designed and created to form key connections to the riverside peninsula and its various riverside facilities and to the proposed commercial centre and to provide special view lines from the main entrance to the Remarkables Park Zone area.

The building design within the area will capture and emphasise the views of the mountains in the background. Distinctive architecture suited to the environment will be fostered and encouraged.

The Remarkables Park Zone is made up of a number of elements which are illustrated on the Structure Plan, Figure 1 and are identified as discrete Activity Areas as follows:

Activity Area 1 - Traditional Residential Development

Approximately 9 hectares of land on the western side of the zone and adjoining the existing Riverside Road development will continue to be developed for traditional residential development. Section sizes will range from 600m² to 1100m² and will accommodate predominantly single family residential units. This pattern of development will integrate the existing level and pattern of settlement with the further range of development proposed for the Remarkables Park Zone.

Activity Area 2 - Riverside Public Recreation

Activity area 2a on the river peninsula adjoining the Kawarau River, to the south covers land owned by the Council and is proposed to be developed for predominantly public open space. This element of the southern Riverside Public Recreation area is the proposed River Access Area. This area will be a public place carefully located on the river's edge in order to take advantage of the opportunities of such a location for river access. It may provide ~~terraces~~ stopping points for water transport between the Frankton locality, Queenstown and other parts of the District as well as focus for limited commercial uses, eg restaurants, ticketing facilities.

Activity Area 2b is a formed access strip joining two public streets. Area 2c is partly vested as a local purpose reserve and partly privately owned.

Activity Area 3 - Riverside Peninsula

This riverside development area situated on the river peninsula and adjoining the Riverside Public Recreation Area will enable development for commercial and retail activities, offices, apartments and 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 is pedestrian oriented.

Activity Area 4 - Higher Density Accommodation

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

Activity Area 5 - Commercial/Retail Centre

This mixed use area comprises the established Remarkables Park commercial centre, which provides for retail and other commercial activities including office and service activities. Activity Area 5 also provides opportunities for education, visitor accommodation, carefully designed higher density residential activities, and for future expansion of the commercial centre, including for large format retail activities.

Activity Area 6 - North Urban Development Area

The building forms proposed for part of this area will secure a number of resource management outcomes including provision for higher density living and certain community activities utilising building designs which mitigate aircraft noise. This will enable close proximity for a significant number of residents to the Remarkables Park commercial centre and other activities within the wider Frankton locality. This mixed use activity area also provides for education, health and day care, hospitals, retirement villages, and visitor accommodation.

Activity Area 7 - Visitor Accommodation and Eastern Perimeter High Density Residential

Within an area in the north-eastern portion of the Remarkables Park Zone, a sector is set aside for terrace houses, condominiums and visitor accommodation activities. This area offers spectacular views of The Remarkables, Coronet Peak, the Crown Range, and the Shotover and Kawarau Rivers.

The area is split into two terraces; the north-eastern terrace is elevated. Consequently, extra controls over height of buildings are provided for.

Activity Area 8 - Northern Perimeter Area

This is a significant "buffer" area of land adjacent to the Queenstown Airport. It is suitable for development for rural, recreational, infrastructural and parking facilities not of a noise sensitive nature. Much of it falls in close proximity to the airport and within higher noise control areas. As such residential activities, visitor accommodation and community activities are prohibited in this area within the Outer Control Boundary.

The strategy for development of the Remarkables Park Zone aims to establish a high quality of amenity which will enhance the value of and be maintained by later stages. The interdependence of buildings and streets will be recognised and facilitated with the role of streets to be appropriate to the nature of the activity they serve.

Development within the Remarkables Park Zone will be undertaken on an integrated basis. This means that the development of land and buildings will be planned together rather than separately. Such integrated planning and development of the land will ensure that the unique benefits which the location offers are developed to their best advantage and that a high standard of amenity is achieved.

Objective 3 – Open Space, Conservation and River Access

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

Sufficient areas of land to provide for local active and passive recreational needs.

Protection of those features of the natural environment including vegetation, landform and landscape that:

- contribute significantly to amenity values
- assist in preventing land instability and erosion
- contribute to ecological diversity and sustainability.

Improved and generous public access to the Kawarau River.

Policies:

- 1 *To secure reserve contributions in land, cash or works or development of activities on reserves.*
- 2 *To enhance the quality of such areas by the carrying out of attractive landscaping and other works appropriate to the area.*
- 3 *To provide appropriate land for open space and recreational opportunities.*
- 4 *To ensure that reserves of appropriate quality and quantity are provided in convenient locations to meet the needs of the community.*
- 5 *To provide for development to be staged to ensure that areas of open space are set aside and recreation facilities developed as the development of the Remarkables Park Zone proceeds.*
- 6 *To ensure that the potential or actual adverse effects of development on the natural environment are avoided, remedied or mitigated so as to maintain the quality of the environment of the zone and the locality.*
- 7 *To enhance public access to and along the Kawarau River.*
- 8 *To avoid any adverse effects of development on the river environment.*

Implementation Methods

Objective 3 and associated policies will be implemented through a number of methods including:

i. District Plan

- (a) As for Objective 1.
- (b) Staging development to ensure that public recreation facilities are developed.

Explanation and Principal Reasons for Adoption

Reserves already set aside in the Remarkables Park area, together with intended open spaces including the riverside public recreation areas will result in a significant area of land being available as open space.

Open space areas are of great importance in developing a quality built environment. Within the Remarkables Park Zone, there is a significant opportunity to secure appropriate reserve land for public open space and to secure recreational facilities.

While future development of the Remarkables Park Zone will involve some modification to the natural environment, the retention and protection of natural features and places which have significant heritage or landscape value is of primary importance in order to retain and enhance the outstanding environmental qualities of the District.

The Kawarau River and its margins are significant components of the overall landscape within the zone. Much of the amenity of the zone is based on, and takes advantage of, the proximity of the river and the quality of its edges. At present, there are substantial stretches of the riverside which are host to inappropriate vegetation cover, including willows, which affect water flow and cause sediment build-up. The removal of inappropriate species and subsequent restorative planting using suitable species will secure the amenity to be derived from the area. Further, this amenity can be enhanced through appropriate design and location of structures and the creation of public access in order to capitalise on the potential of the site.

The establishment of activities and structures within the river access area must be undertaken in a manner which recognises the high level of ecological

amenity within this area. Landscaping in conjunction with structures of appropriate scale can serve to enhance such amenities.

Objective 4 - Site Layout, Orientation, Building Design and Streetscape

A coherent site layout that provides a pleasant, attractive and resource efficient environment

Buildings sited and designed to create and preserve a high standard of environmental amenity reflecting the surrounding streetscape and building design which enhances public views from and to the streets

Policies:

- 1 To ensure that subdivision design and the location of buildings on the sites is undertaken to maximise views, solar aspect and enhance street frontage and amenity.
- 2 To provide variety of built form, scale and height within the Remarkables Park Zone which relate well to development within the Zone and to the alpine setting.
- 3 To enable clusters of buildings and structures to be developed.
- 4 To encourage the use of colours and materials which are complementary to the local environment.
- 5 To provide for attractive streetscapes appropriate to the primary street functions of adjoining buildings or activities.
- 6 To ensure that, when viewed from a public street, the external design of buildings is visually compatible with the surrounding development and with the identified future character of the locality.
7. To ensure that proposals for development or redevelopment in the Zone are reviewed by the Remarkables Park Design Review Board, to promote a consistent approach to urban design, site planning, and building design in the Remarkables Park Zone,

Implementation Methods

Objective 4 and associated policies will be implemented through a number of methods including:

i. District Plan

Provide for subdivision and building, location design and appearance to be a controlled activity.

ii. Remarkables Park Design Review Board

The Remarkables Park Design Review Board shall be used to evaluate proposals for development and redevelopment within the Remarkables Park Zone. The structure and protocol of this Review Board will be determined by the Board. Liaison with the Board is encouraged early in the design process.

The purpose of the Remarkables Park Design Review Board is to review and provide recommendations on development and redevelopment proposals within the Remarkables Park Zone. The Board is structured to promote a collaborative approach, between the Council and Remarkables Park Limited, to urban design, site planning and building design, to ensure that development within the Zone is appropriate in the context of:

- existing and anticipated future development in the immediate neighbourhood;
- the existing and anticipated future streetscape, public open spaces and walkway connections;
- the relevant objectives and policies of the Zone; and
- the Activity Area and adjoining Activity Areas, with reference to an updated Indicative Master Plan to be refined as appropriate by the Remarkables Park Design Review Board.

Note: for the purposes of this provision, the “immediate neighbourhood” is an area contained within a radius of at least 50 metres of the external walls of the proposed building.

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

For developments or redevelopments that are small in scale, a report from an urban design professional may be appropriate rather than an assessment and recommendations by the Remarkables Park Design Review Board.

Explanation and Principal Reasons for Adoption

The layout and size of sites for subdivision and the design and siting of buildings within the subdivision are critical matters in achieving the general objectives for integrated and sustainable development within the zone.

The character, appearance and landscaping of the streetscape and the siting and design of buildings in relation to these matters has a fundamental role to play in the creation of an interesting urban development.

Objective 5 - Transport Networks

High levels of accessibility, safety and convenience for all persons travelling to, from, or within the zone by a wide range of transport modes while ensuring acceptable levels of amenity

Policies:

- 1 *To provide a network of streets and accessways with physical distinctions between each based on function, convenience, traffic volumes, vehicle speeds, public safety and amenity.*

- 2 *To encourage use of the river and lake as an alternative transport network, connecting Queenstown, Frankton, and the Remarkables Park Zone.*
- 3 *To provide appropriate and attractive landscaped areas and routes within the Remarkables Park Zone for cycle and pedestrian movement, and an ability to link these with accessways between Frankton and Queenstown.*
- 4 *To provide a safe and convenient pathway system for pedestrians, cyclists and in-line skaters for access to and within the zone and for recreational purposes.*
- 5 *To promote walking and cycling as ways of carrying out daily activities.*

Implementation Methods

Objective 5 and associated policies will be implemented through a number of methods including:

i. District Plan

- (a) Provision for a well designed road, pedestrian and cycleway network.
- (b) Provision for **staging stopping point(s)** for water based transport, including public and visitor transport.
- (c) An integrated high density development which is linked to the proposed commercial centre by road, footpaths and cycleways.

(d) The Remarkables Park Design Review Board to assess development proposals.

Explanation and Principal Reasons for Adoption

The Frankton Road is currently the only transport link between Queenstown and the Frankton Flats. It is already under pressure and this will increase with increased development of Queenstown and throughout the District. The

Kawarau River and the lake provide a visually attractive and safe alternative transport link between Queenstown and the Frankton **Flats** in a way that will enhance the areas' visitor appeal.

Within the zone, opportunities are provided for an extensive network of walkways and cycleways, both to promote mobility within the area and to important facilities adjoining the site, eg shopping, education.

Objective 6 - Design and Implementation of Infrastructure and Utility Services

Street design for safe and convenient movement of vehicles, cyclists and pedestrians.

Street construction which reinforces the function and amenity of streets.

Public utilities located and designed in a manner which is efficient and unobtrusive to the visual amenities of the area

Policies:

- 1 To provide a safe and pleasant street environment for residents and other users of adjoining properties.
- 2 To minimise the carriageway's visual impact on residents while accommodating public utility services and drainage systems.
- 3 To minimise street construction and maintenance costs, without compromising other objectives.
- 4 To provide street geometry which is consistent with the needs of the streets functions and which emphasises residential and pedestrian amenity.
- 5 To provide street pavements and edges that reinforce the function and amenity of streets, and in particular to use pavement materials that reinforce their residential functions where appropriate.

- 6 To provide a pavement edge that is appropriate for the control of vehicle movements, performs any required drainage function and is structurally adequate.

- 7 To encourage the provision of landscaping as an integral part of street network design.

Implementation Methods

Objective 6 and associated policies will be implemented through a number of methods including:

i District Plan

- (a) Controls on the design, location and form of utility services and street works.

[\(b\) The Remarkables Park Design Review Board](#)

Explanation and Principal Reasons for Adoption

The objective and policies are provided for the need to integrate development and to seek imaginative and attractive designs which not only provide for the proper functioning of the street or utility but also have important regard to visual impact, surrounding activities and alternative functions. The design of the street network should reflect its function in order to ensure the network better relates to other activities and amenities. Landscaping is an important element to street design.

Objective 7 - Retail and Related Activities

An integrated street-based commercial centre to provide for the future retail needs of the District in a manner which promotes convenience for residents, vehicle accessibility, choice, a distinct identity, is infrastructure efficient, and relates well to other community activities eg hospitals, schools, recreation and leisure

Policies:

- 1 To zone sufficient land to provide for an integrated commercial centre accommodating a range of activities.

- 2 To enable a consolidated medium density commercial centre *that incorporates* open space, shops opening onto streets, *lanes and plazas*, higher density residential and visitor accommodation, and a consolidated urban form which increases the potential for multi purpose trips.
- 3 To enable the commercial centre *in Activity Area 5 to complement* a range of *nearby* activities including community, *recreation*, education and residential, *and the mixed-use precinct in Activity Area 3*.
- 4 To enable and enhance a distinctive outdoor character and image for the commercial centre by way of design and appearance guidelines and reference to building character and styles.
- 5 To enable a built form which is *complementary to, and has regard to views of*-the surrounding alpine landforms.⁵.
- 6 To enable the development of education facilities and other non-residential activities in close proximity to the commercial centre.
- 7 To provide a commercial centre which is integrated with the surrounding community and activities and which provides the opportunity for a variety of efficient infrastructure services including environmentally sensitive transport links and modes within the locality and to other areas of the District.

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

Implementation Methods

Objective 7 and associated policies will be implemented through a number of methods including the following:

i District Plan

- (a) Zone provisions for a commercial centre *including* Activity Area 5 of the Structure Plan for the Remarkables Park Zone, *and a complementary mixed use precinct in Activity Area 3 of the Structure Plan*

- (b) To incorporate a Structure Plan to provide for the integration of development within the Zone and with surrounding land uses.
- (c) To provide for all buildings to be Controlled Activities in terms of design, appearance, materials and effect on streetscape.

(d) The Remarkables Park Design Review Board.

Explanation and Principal Reasons for Adoption

The purpose of the commercial centre at Remarkables Park is to provide for a retail based commercial centre. The proposed site is preferred for a number of resource management reasons including:

- The site is close to and can be integrated with major existing and proposed residential areas, thus bringing convenience to residents and efficiency in terms of energy use by providing the opportunity for a range of transport modes, eg pedestrian, cycling, public transport.
- The site is well located in respect of a number of existing and proposed community facilities, eg church, hospitals, educational facilities. This creates the opportunity for multi-purpose trips.
- The site is sufficiently separated from the other main retail nodes to be able to develop a catchment population to support a range of shopping activities.
- The topography and location of the site provide for ease of vehicle access and infrastructure servicing.

The design of the centre is a critical element and all development within the centre will be assessed in terms of design, appearance, relationship to existing or proposed road networks or pedestrian links, open space opportunities, the manner in which buildings are designed having regard to their relationship to street frontages, pedestrian access, car-parking areas, and the compatibility of the design with the general alpine topography of the surrounding landscape including views of the mountains and the lake. In addition, all subdivision in the zone will be assessed as a controlled activity having regard to the need to achieve an imaginative layout, higher density development and the need to mitigate the adverse effects of a range of activities.

Objective 8 - Amenity, Image, Character and Design

An integrated commercial centre where open space and pedestrian links, views of the surrounding mountain landscapes extensive planting, and high quality building and townscape design reflecting the surrounding topography, are paramount.

Policies:

- 1 *To enable and preserve a high standard of urban and landscape design through the use of the Controlled Activities rules.*
- 2 *To encourage and promote design which reflects and acknowledges the surrounding topography.*
- 3 *To require resource consent applications so that areas of open space, pedestrian links and important views can be identified, protected, enhanced and become an essential part of the Remarkables Park Commercial Centre image and amenity.*
- 4 *To ensure that the design and appearance of buildings, structures and other elements of development are compatible with nearby residential and community uses.*
- 5 *To ensure landscaping contributes to a distinct [town centre](#), identity, and [maintains important views](#).*

Implementation Methods

Objective 8 and associated policies will be implemented through a number of methods including:

i District Plan

- (a) Provision for buildings to be controlled in terms of design and appearance
- (b) Provision for a Structure Plan to integrate activities
- (e) [The Remarkables Park Design Review Board](#).

Explanation and Principal Reasons for Adoption

The Council believes there is a unique opportunity for the commercial centre at Remarkables Park to promote the best principles of resource management including:

- energy efficiency and conservation through consolidation of the town centre and related activities including workplace, residential and community activities.
- convenience for residents.
- efficient use of infrastructure.
- opportunity for multi-purpose trips and the establishment of public transport links and termini.
- a design and amenity which reflects the outstanding alpine character of the District and brings that amenity into the town by way of views and backdrop.
- a commercial centre that has regard to people's needs in terms of convenience, size and amenity.
- a commercial centre that reflects the best of the District's current and heritage design.

The Council believes that the built form of the centre should promote a sense of place, local identity, convenience and enhance the existing outstanding sensory images being views of the mountains, the lake and the intrusion of good sunlight.

The purpose of the Structure Plan is to assist in achieving the essential objectives for the above, namely:

- that the retail development contributes to an active public realm.
- that retail magnets such as department stores and supermarkets are distributed throughout the retail core.

- that retail development is integrated with other uses, rather than being isolated from the community or other activities.
 - that there is a strong character in the commercial centre environment which is achieved through building design and high quality public open spaces.
- Landscaping, street design and opportunities to integrate **sculpture and other art** are features deemed important by the Council. The Council is seeking through the rules and the Structure Plan to include the community in what it believes to be a unique opportunity for Queenstown, being the design and creation of a **town** centre.

12.10.4 Environmental Results Anticipated

Implementation of the policies and methods for management relating to the Remarkables Park Zone will result in:

- The overall environmental quality of the Remarkables Park Zone and adjoining areas deriving character from the natural features of the zone and in particular the river setting.
- The development of the zone achieving a strongly urban and focused environment comprising a range of residential, visitor **facilities and recreation**, and open space which is interesting, convenient and attractive for community use and enjoyment.
- Essential utility services provided within the zone as development proceeds.
- Land development process managed so that adverse effects of development are avoided, remedied or mitigated.
- Water quality of the Kawarau River being maintained at the best possible quality.

- Important natural features of significance are respected and preserved.
- A range of building forms being enabled so as to promote social and cultural diversity.
- The planning and design of all built structures taking account of the natural landforms of the District to achieve high standards of built environment in terms of streetscape, housing form and quality, convenience and security.
- Proposed reserves are set aside and developed in ways which are appropriate to the wider amenities of the District and the recreational needs of the community.
- The form of the development, with its transport linkages and easily located foci of activities reinforcing the development of a sense of community **that** encourages relatively high density development.
- The establishment and operation of non-residential activities within the Remarkables Park Zone being controlled so that the scale and appearance of buildings is in harmony with the residential character of the locality, adverse effects on residential amenity (including noise, intrusions on privacy, odours, smoke or smell) being avoided, the efficiency and safety of the local street and pathway systems maintained.
- Development incorporating early planting such that a substantial visual contribution to the landscape is achieved as quickly as possible.
- The development of new retail opportunities to meet the needs of residents and visitors.
- The development of a commercial centre which reflects the essential amenity values and character of the District, especially the views of the surrounding landscapes.
- An attractive shopping, working and recreational **al** environment which relates well to views and sunlight.

- A **commercial** centre where the built design **complements** the surrounding alpine environment, relates well to people in terms of scale and is convenient for pedestrian and vehicle access.
- A **commercial** centre well located and designed to integrate with existing and proposed residential activity and providing for a high level of pedestrian convenience from the surrounding residential areas.
- A **commercial** centre which is well located and designed to include a range of activities including leisure, education and living environments.
- A **commercial** centre which will promote and provide for multi-purpose trips and is thereby energy efficient.
- Recognition of the Queenstown Airport operational requirements and buffering between the Airport and the development areas of the RPZ.

12.11 Remarkables Park Zone - Rules

12.11.1 Zone Purpose

The purpose of the zone is to provide for a comprehensively managed and integrated high density development containing opportunities for a range of supporting and complementary activities. These include open space, visitor accommodation, transport, educational, recreational and commercial facilities.

In order to achieve a high standard of integrated development, sustainable management, building and open space design, the zone is subject to a Structure Plan, which details activity areas, and provides for a wide range of matters to be subject to Controlled Activity consent

The zone seeks to achieve maximum flexibility within the parameters of the Structure Plan.

Commercial development for retailing and office activities is incorporated in the zone. The Commercial centre activities are to be designed around lanes and parking and be developed to minimise any adverse effects on the built environment, amenity and complement resources of the existing Queenstown Town Centre. The background issues, resource evaluation, objectives, policies, explanation and principal reasons for adoption and environmental results anticipated give effect to the existing and future commercial development in Activity Areas 3 and 5 of the Structure Plan for the Remarkables Park Zone.

12.11.2 District Rules

Attention is drawn to the following District Wide Rules which may apply in addition to any relevant Zone Rules. The provisions of the District Wide Rules are to be met unless inconsistent with any particular Remarkables Park Zone rule in which case the latter shall prevail.

- (i) Heritage Protection - Refer Part 13
- (ii) Transport - Refer Part 14
- (iii) Subdivision - Refer Part 15
- (iv) Hazardous Substances - Refer Part 16

- (v) Utilities
- (vi) Signs - Refer Part 17
- (vii) Relocated Buildings and Temporary Activities - Refer Part 18
- Refer Part 19

12.11.3 Activities

12.11.3.1 Permitted Activities

Any Activity which complies with the Site and Zone Standards and is in accordance with the Structure Plan (Figure 1 to this Rule) and is not listed as a Controlled, Discretionary, Non-Complying or Prohibited Activity (in Table 1 to this Rule) shall be a Permitted Activity.

12.11.3.2 Controlled Activities

Activities listed as Controlled Activities in Table 1 to this Rule shall be controlled activities provided they are not listed as a Discretionary, Non-Complying or Prohibited Activity and they comply with relevant Site and Zone Standards and are in accordance with the Structure Plan.

The Council has reserved control over the following matters:

- i All Buildings in respect of
 - The external appearance of buildings;
 - Relation to roads;
 - Relation to internal boundaries;
 - Height between 15 and 18 metres maximum height in Activity Area 7 north of the 345 metre contour line as shown on Figure 1;
 - Effect on landscape and visual amenity values and view corridors;
- Vehicle access;
- Outdoor living space for residential activities;

ii **Residential Activities, Commercial Recreational Activities, Commercial Activities, Educational Facilities, Retirement Villages, Hospitals, Health and/or Day —Care Facilities— & Visitor Accommodation in respect of:**

- Compatibility with surrounding landuse, character and amenity
- Noise, vibration, lighting and loss of privacy
- Traffic generation and vehicle access
- Safety
- Litter and waste and cumulative effects in conjunction with other activities in the vicinity
- Nature and scale of activities
- Hours of operation
- The scale and nature of the earthworks and the disposal of excess material.
- Safe, convenient and attractive pedestrian and vehicular access both to and across Hawthorne Drive.

iii **Premises licensed for the sale of liquor**

Premises licensed for the sale of liquor in respect of the scale of activity, car parking, retention of amenity, noise and hours of operation

iv Car parking

Parking areas in Activity Area 4 or Activity Area 8 in respect of:

- Landscaping within the parking area;
- Vehicle access to and within the parking area;
- Safe, convenient and attractive pedestrian movement within and across the parking area, and pedestrian connectivity with any adjoining Activity Area and across adjacent roads.

• Street scene including landscaping;

• Provision for pedestrian and access linkages;

• The location, layout and landscaping of, and access to, off-street car-parks;

• Solar orientation and prevailing winds;

• Design and construction of buildings located within the grey shaded or grey hatched areas on Figure 2 to achieve insulation from aircraft noise.

• The scale and nature of the earthworks and the disposal of excess material.

• The context of the site and the building, including their relationship with the adjoining street, or open space, pedestrian connections, existing buildings and where possible anticipated future buildings (with respect to indicative location, volume and height) and sites in the immediate neighbourhood.

Note 1: for the purposes of this provision, the “immediate neighbourhood” is an area contained within a radius of at least 50 metres of the external walls of the proposed building.

Note 2: conditions of consent shall not be imposed in relation to any future building.

Any application for a new building under this rule, or any application for any modification to an existing building, shall be accompanied by a statement from the Remarkables Park Design Review Board (see *Implementation Methods* of Objective 4), except that if the new building is small in scale (one storey only, with a floor plate of less than 500 m²), or if the modification to the existing building does not increase the height of the building or the volume of the building by more than 10 percent, the application need not be reviewed by the Remarkables Park Design Review Board but may be accompanied by a report by a qualified urban designer.

12.11.3.3 Discretionary Activities

- i Activities listed as Discretionary **Activities** in Table 1 to this Rule shall be Discretionary Activities provided they are not listed as a **Non-Complying or Prohibited Activity** and they comply with all the relevant **Zone Standards** and are in accordance with the **Structure Plan**.
- ii Any building that does not comply with Site Standard 12.11.5.1 (iii) but complies with Zone Standard 12.11.5.2(ii) shall be a restricted discretionary activity and:
- In assessing the effects of any building, the Council shall have regard to the assessment matters in rule 12.11.6 (a) – (o); and
 - The Council's discretion to grant or not grant consent is restricted to the effect of the building exceeding the specified height, by having regard to the following matters:
 - 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, façade, materials and colours.
 - (c) For the purpose of imposing conditions on any consent the Council shall have regard to the matters in (a) and (b) above and those in rule 12.11.3.2(i).
- iii Any earthworks (as defined in this plan) except for earthworks approved as part of:
- ~~1-(a)~~ a subdivision that has resource consent; or
 - ~~2-(b)~~ any building granted a resource consent pursuant to Rule 12.11.3.2(i); or
 - ~~3-(c)~~ any activities which are listed as controlled activities and have been granted resource consent –

shall be restricted discretionary activities with the Council's discretion restricted to:

- The measures proposed to avoid, remedy or mitigate any effects of earthworks on:
 - Land stability and erosion;
 - Runoff of water or sediment;
 - Groundwater quality;
 - Dust generation;
 - Any significant stands of indigenous vegetation.
 - The measures proposed to mitigate the effects of exposed cut and fill.
 - The measures proposed to appropriately integrate the proposed earthworks to avoid, remedy or mitigate effects on any rural landscapes adjoining the Remarkables Park Zone.
- Provided that no earthworks shall:
- ~~1-~~ expose any groundwater aquifer;
 - cause artificial drainage of any groundwater aquifer;
 - cause temporary ponding of any surface water

Refer to the Queenstown Lakes District earthworks guideline to assist in achievement of this rule.

- iv Any activity which is not listed as a **Non-Complying or Prohibited Activity** and complies with all the **Zone Standards** but does not comply with one or more of the **Site Standards** shall be a **Discretionary Activity**.

12.11.3.4 Non-Complying Activities

- i Activities listed as **Non-Complying Activities** in Table 1 to this Rule, shall be Non-Complying Activities provided that they are not listed as a **Prohibited Activity**.
- ii Any Activity which is not listed as a **Prohibited Activity** and which does not comply with one or more of the relevant **Zone Standards**, shall be a **Non-Complying Activity**.
- iii Any application under Rule 12.11.3.2.i or Rule 12.11.3.3.ii that is not accompanied by a statement by the Remarkables Park Design Review Board (see *Implementation Methods of Objective 4*) or a report by a qualified urban design professional.

12.11.3.5 Prohibited Activities

Activities listed as **Prohibited Activities** in Table 1 to this rule shall be Prohibited Activities:

12.11.3.6 Table 1

Activity	Activity Area									
	1	2a	2b	2c	3	4*	5*	6*	7	8*
Buildings except Residential Units in Activity Area 1	CON	CON	CON	CON	CON	CON	CON	CON	CON	CON
Residential Activities		N-C	N-C	N-C			CON			N-C
Commercial Activities <u>except in Activity Area 5 north of Hawthorne Drive</u>	N-C	DIS	DIS	DIS	CON	DIS		DIS	DIS	N-C
<u>Commercial Activities in Activity Area 5 north of Hawthorne Drive</u>							CON			
Commercial Recreational Activities	DIS	CON	CON	CON	CON	CON	CON	CON	CON	CON
Educational Facilities	N-C	N-C	N-C	N-C	CON	CON	CON	CON	DIS	N-C
Retirement Villages	DIS	N-C	N-C	N-C	DIS	DIS	DIS	CON	DIS	PRO
Hospitals	DIS	N-C	N-C	N-C	DIS	DIS	DIS	CON	DIS	N-C
Health <u>and/or</u> Day Care Facilities	DIS	N-C	N-C	N-C	DIS	DIS	DIS	CON	DIS	N-C
Visitor Accommodation	DIS	N-C	N-C	N-C	CON	CON	CON	CON	CON	N-C
Premises licensed for the sale of liquor	N-C	N-C	N-C	N-C	CON	DIS	CON	DIS	DIS	DIS
Factory Farming	N-C	N-C	N-C	N-C	N-C	N-C	N-C	N-C	N-C	N-C
Forestry Activities	N-C	N-C	N-C	N-C	N-C	N-C	N-C	N-C	N-C	N-C
Mining	N-C	N-C	N-C	N-C	N-C	N-C	N-C	N-C	N-C	N-C
<u>Vehicle parking</u>		DIS	DIS	DIS	DIS	CON	DIS	DIS	DIS	CON
Take-off or landing of aircraft other than for emergency landings and rescues or fire-fighting	N-C	N-C	N-C	N-C	N-C	N-C	N-C	N-C	N-C	N-C
*Buildings within the <u>grey cross-hatched</u> area indicated on Figure 2 – Airport Measures and labelled “NO BUILDINGS AREA”										PRO
*Residential, Visitor Accommodation and Community Activities within the <u>light grey shaded</u> area indicated on Figure 2 – Airport Measures and labelled “NO RESIDENTIAL, VISITOR ACCOMMODATION OR COMMUNITY ACTIVITIES AREA”							PRO			PRO
*Residential Activities, Visitor Accommodation and Community Activities where accommodation for any individual or group exceeds 90 continuous days per annum within the <u>dark grey shaded</u> area indicated on Figure 2 – Airport Measures and labelled “SHORT STAY WITH SOUND INSULATION”						PRO	PRO	PRO		PRO
Panelbeating, spray painting, motor vehicle repair (<u>except if ancillary to any service station or motor vehicle sales premise</u>) or dismantling, fibreglassing, sheet metal work, bottle or scrap bulk storage or processing, motorbody building, fish or meat processing (<u>except if ancillary to any retail activity or restaurant</u>), or any activity requiring an offensive trade licence under the Health Act 1956.	PRO	PRO	PRO	PRO	PRO	PRO	PRO	PRO	PRO	PRO
Industrial Activities	PRO	PRO	PRO	PRO	PRO	PRO	PRO	PRO	PRO	PRO
Service Activities	PRO	PRO	PRO	PRO	PRO	PRO	PRO	PRO	PRO	PRO

CON	Controlled Activity	N-C	Non-Complying Activity
DIS	Discretionary Activity	PRO	Prohibited Activity

* Where this Table gives more than one classification to any Activity Area, the most restrictive classification shall override any other classification.

12.11.4 Non-notification of Applications

1. Any application for a resource consent for the following matters may be considered without the need to obtain a written approval of affected persons and need not be notified in accordance with Section 93 of the Act, unless the Council considers special circumstances exist in relation to any such application:

- (i) All applications for **Controlled** Activities.
 - (ii) All applications for restricted discretionary activities under rule 12.11.3.3(ii).
2. Any application for a resource consent for restricted discretionary activity under rule 12.11.3.3 (iii) need not be notified provided the written approval of affected persons is obtained and no special circumstances exist in relation to any such application.

12.11.5 Standards

12.11.5.1 Site Standards

i Staging of Open Space and Reserves

As development proceeds generally through the Activity Areas, it shall be a requirement that a mix of open spaces, reserves, community facilities, and/or recreational facilities shall be developed at the same proportionate pace. This shall be encouraged by the Council giving close attention to the type of reserve contributions ordered to be made as conditions on subdivision consents, in

particular the use of conditions requiring works to be carried out on public areas and facilities in lieu of land or cash contributions.

ii Residential Units in Activity Area 1

Residential units in Activity Area 1 shall comply with the site standards listed in Rule 7.5.5.1 for residential units in the Low Density Residential Zone. In respect of residential units in Activity Area 1, those site standards prevail over any other provisions in the Remarkables Park Zone.

Building Height

The specified building height within each activity area shall be as follows:

- Activity Areas 3 and 7 15m
- Activity Areas 4, 5 and 6 12m

See Definitions for Ground Level and Buildings for Remarkables Park. Building height shall be measured with respect to discrete building components.

For any building above the specified height, an application for resource consent must be accompanied by a statement from the Remarkables Park Design Review Board (see Implementation Methods for Objective 4).

12.11.5.2 Zone Standards

i Structure Plan

All activities and developments must be carried out in conformity with the Structure Plan Figure 1 to this Rule subject to any modifications made to it as allowed by (v) below.

ii Building Height

The maximum building height within each Activity Area shall be as follows:

Activity Area	Maximum height
Activity Area 1	7m
Activity Area 2a(less than 20 metres from the Activity 2a Activity Area boundary), 2b and 2c	7m
Activity Area 2a greater than 20 metres from the Activity Area 2a boundary	10m
Activity Area 3	21m
Activity Areas 4, 5 and 6 (except as provided in clause (i) below).	18m
Activity Area 7 south of the 345m contour line	21m
Activity Area 7 north of the 345m contour line	18m
Activity Area 8	9m

Provided that:

- (i) No part of any building greater than the specified building height as set out in 12.11.5.1(iii) shall protrude through either a height of RL353m under the surface of a 1:20 upslope fan with a 10% divergence angle originating from the 14/32 southern runway threshold or a transitional side surface plane of 1.5,-all as shown on Remarkables Park Zone – Figure 3 Height Restrictions Plan.
- (ii) No part of any building in Activity Area 3, 4 or 5 shall protrude through a recession line inclined towards the site at an angle of 25 degrees and commencing at 2.5 metres above ground level at any given point on the site boundary of a residential property within

Activity Area 1 unless and to the extent that the written approval of the owner of that property has been obtained.

- (iii) Subject to proviso (i) above, this rule 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 three metres.

iii Noise

(a) In all Activity Areas non-residential activities shall be so conducted that the following noise limits are not exceeded at any point within the boundary of any other site:

- Day-time 0700-2200 hours 55dBA L10
- Night-time 2200-0700 hours 45dBA L10 and 70dBA L_{max}

Except:

In Activity Areas 2a, 3, 4, 5, 6, 7 and 8, 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, 7 and 8:

- Day-time 0700-2200 hours 60dBA L10
- Night time 2200-0700 hours 50dBA L10 and 70dBA L_{max}

Noise levels shall be measured and assessed in accordance with NZS 6801:1991 and NZS 6802:1991.

(b) Activities conducted in adjoining zones shall not exceed Remarkables Park Zone noise limits at any point within the boundary of any site within the Remarkables Park Zone.

(c) Construction noise shall comply with and be measured and assessed in accordance with the relevant New Zealand Standard.

(d) Noise from aircraft operations at Queenstown Airport is exempt from the above standards.

iv Airport Measures - Queenstown Airport

- (a) On any site located within the **light grey shaded** area or the **dark grey shaded** area on Figure 2 – “Airport Measures”, any building or part of a building, or any alteration or addition to a building or part of a building, to be used for residential activities, visitor accommodation or community activities shall be acoustically insulated from aircraft noise so as to achieve an indoor design sound level of 40 dBA Ldn, except for non-critical listening environments where no special sound insulation is required.

(b) This control shall be met in either of the following two ways:

EITHER:

- (i) By providing a certificate from a recognised acoustic engineer stating that the proposed construction will achieve the internal design noise level.
- OR:**
- (ii) The building shall be constructed and finished in accordance with the provisions of Table 2 appended to this rule.

Table 2 – Acoustic Insulation of Buildings Containing Noise Sensitive Uses (except non-critical listening areas)

Building Element	Required Construction
External Walls	Exterior: 20 mm timber or 6mm fibre cement Frame: 100mm gap containing 100mm acoustic blanket (R2.2 Batts or similar) Two layers of 12.5mm gypsum plasterboard* (Or an equivalent combination of exterior and interior wall mass)
Windows	Up to 40% of wall area: Minimum thickness 6mm glazing** Up to 60% of wall area: Minimum thickness 8mm glazing** Up to 80% of wall area: Minimum thickness 8mm laminated glass or minimum 10mm double glazing**
Pitched Roof	Aluminium framing with compression seals (or equivalent) Cladding: 0.5mm profiled steel or tiles or 6mm corrugated fibre cement Frame: Timber truss with 100mm acoustic blanket (R 2.2

	Batts or similar)
Skillion Roof	Ceiling: 12.5mm gypsum plaster board* Cladding: 0.5mm profiled steel or 6mm fibre cement Sarking : 20mm particle board or plywood Frame: 100mm gap containing 100mm acoustic blanket (R2.2 Batts or similar)
External Door	Ceiling: 2 layers of 9.5mm gypsum plasterboard* Solid core door (min. 24kg/m ²) with weather seals

* Where exterior walls are of brick veneer or stucco plaster the internal linings need be no thicker than 9.5mm gypsum plasterboard.

** Typical acoustic glazing usually involves thick single panes or laminated glass. Where two or more layers of glass are employed with an air gap between, total thickness of window glass may be calculated as the total of all glass layers (excluding air gap) provided that at least one glass layer shall be of a different thickness to the other layer(s).

v Modifications to Structure Plan Activity Areas

- (a) The internal boundaries of Activity Areas 1, 2a, 2b, and 2c, as shown on the Structure Plan, Figure 1 to this Rule, may be modified by a maximum of 2.5% of the land area of the Activity Area concerned. The internal boundaries of Activity Areas 3, 4, 5, 6, and 7 as shown on the Structure Plan, Figure 1 to this Rule, may be modified by a maximum of 7.5% of the land area of the Activity Area concerned.

- (b) Any person modifying the boundaries of an Activity Area shall inform the Council of the extent of that modification when applying for a resource consent or within ten working days of commencing the permitted activity to which the modification relates.

vi Nature and Scale of Non-Residential Activities

Within Activity Area 1, the nature and scale of non-residential activities shall meet the following:

- At least one person engaged in the activity must reside on the site.
- No more than three full-time equivalent persons who permanently reside elsewhere than on the site shall be employed in undertaking a non-residential activity on the site.
- No more than 60m² of the gross floor area of the buildings on a site shall be used for activities, other than residential activities.
- No goods, materials or equipment shall be stored outside a building, except for vehicles associated with the activity parked on the site overnight.
- All manufacturing, altering, repairing, dismantling or processing of any materials, goods or articles shall be carried out within a building.

vii Hours of Operation

Within Activity Area 1, hours of operation shall comply with the following:

- Maximum total number of hours in any one week the site shall be open to visitors, clients or deliveries shall be 70 hours.
- Hours of operation shall be limited to between the hours:

0730 – 1930

except that where:

- the entire activity is located within a building and occupies not more than 40m² of floor space, and
- each person engaged in the activity outside the above hours resides permanently on the site, and
- there are no visitors, clients or deliveries to or from the site outside the above hours, and

- all other relevant zone standards are met

the activity may be carried on outside the above hours.

viii Glare

In Activity Areas other than 5:

- All fixed exterior lighting shall be directed away from adjacent sites and roads; and
- No activity on any site shall result in greater than a 3.0 lux spill (horizontal and vertical) of light onto any other site measured at any point inside the boundary of the other site, provided that this rule shall not apply where it can be demonstrated that the design of adjacent buildings adequately mitigates such effects.

ix Atmospheric Emissions

There shall be no open solid fuel fires.

x Keeping of Animals

Other than domestic pets or in Activity Area 8, 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.

xi Heavy Vehicle Storage

No more than one heavy vehicle shall be stored or parked overnight on a site, except that heavy passenger transport vehicles may be parked overnight in Activity Areas 3, 4, 5, 6, 7, and 8.

xii Residential Activities in Activity Area 5

No residential activities shall be situated at ground floor level in those parts of any building having frontage to any area used predominantly for commercial activities.

xiii Residential Units in Activity Area 1

Residential units in Activity Area 1 shall comply with the zone standards listed in Rule 7.5.5.2 for residential units in the Low Density Residential Zone.

12.11.6 Resource Consents – Assessment Matters

The resource consent Assessment Matters which apply to the consideration of resource consents in the Remarkables Park Zone are specified in this Rule.

- i** For all Controlled Activities in the Remarkables Park Zone, the assessment matters shall only apply in respect of conditions that may be imposed on consent except those in (o) below.
- ii** For buildings that are restricted discretionary activities under rule 12.11.3.3(iii), the Council shall have regard to the assessment matters in (a) – (o) below.
- iii** For all discretionary activities in the Remarkables Park Zone, in considering whether or not to grant consent or impose conditions, the Council shall have regard to, but not be limited by, the following assessment matters:
 - a Site Layout, Size, Orientation and Density of Development**
 - The proposed site layout connects into the neighbourhood through:
 - adequate pedestrian and vehicle access;
 - the visual links to views or features of significance;
 - adequate links with adjoining sites.
 - The site layout takes into account on-site features, topography, views, vegetation, structures, drainage, services, access, orientation and microclimate considerations.
 - The site layout efficiently distributes utilities to and on the site, taking into account any future site development.

- Sites have the appropriate area and dimensions to enable the siting and construction of buildings and vehicle access and parking.
 - That provision has been made for safe, convenient and attractive pedestrian and vehicular access both to and across Hawthorne Drive to serve commercial activity in Activity Area 5 north of Hawthorne Drive, such provision to be demonstrated through traffic engineering modelling.
 - Height of development in Activity Area 7 between 15 and 18 metres in height north of the 345 metre contour line as shown in Figure 1.
- b Private Open Space**
- Private open space for residential units is clearly defined for private use.
 - Private open space areas are of dimensions to suit the requirements having regard to building design, the likely dwelling occupancy, and the accommodation of some outdoor recreational and service needs.
 - Part of the private open space is capable of serving as an extension of the function of the dwelling for relaxation, dining, entertainment and recreation and of being accessed from a main living area off the dwelling.
 - Notwithstanding the above, dwelling units not having main living areas at ground level may satisfy this requirement by providing a balcony having a minimum area of 2.5m² or by student accommodation providing communal outdoor space.
- c Streetscape**
- That the streetscape is considered as an entity that relates appropriately to criteria concerning lot size, layout, and orientation, transport networks, street design, and vehicle parking.

- That the streetscape is to reflect the functions and characteristics of the street type in the network.
- That the streetscape incorporates a landscape approach which:
 - Satisfies maintenance and safety requirements, reinforces desired traffic speed and behaviour, and considers lines of sight for pedestrians, cyclists and vehicles.
 - Designs a theme for new streets, or complements existing streetscapes and integrates with new development.
 - Incorporates attractive and coordinated street furniture and facilities to meet user needs.
 - Accommodates utility services and minimises their visual impact.
 - Maximises the use of trees and plants as landscape features for neighbourhood identity.
- That a minimum setback of approximately 1.5m is provided from the road boundary to the foundation line of buildings. Garages and carports may have no set back from the carriageway edge.
- That the area of land covered by berms where they are in excess of 1.5m from the carriageway edge qualifies for consideration as reserve contribution upon subdivision consents being granted.
- That accessory buildings other than garages or carports are sited to the rear of the dwelling.

d Building Design and Appearance

- That the building integrates appropriately with the neighbourhood including with the street, open space and pedestrian connections, existing buildings and where possible anticipated future buildings (with respect to indicative location, volume and height) and sites in the immediate neighbourhood, and how the building and the neighbourhood relate to and integrate with the Activity Area and adjoining Activity Areas, with reference to an updated Indicative Master Plan.

Note: for the purposes of this provision, the “immediate neighbourhood” is an area contained within a radius of at least 50 metres of the external walls of the proposed building.

- That the architectural style and building form are complementary to the alpine setting and local context.
- That the relationships between building forms have regard to the purpose of the Activity Area.
- That clusters and groupings of buildings are designed to fit the form and contour of the land.
- That orientation of buildings takes into account views, 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 local context and to the character 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 encouraged for variety and visual character, taking into account the character of the Activity Area, and to enhance snow removal.

e Transport Networks

- That the design features of each type of residential street convey its primary functions and encourage appropriate driver behaviour.

- That connection between residential streets incorporate appropriate traffic management treatment to slow and control traffic.
- f Pedestrian and Cycle Accessways**
- That any network of pedestrian and cycle ways shall be consistent with a high level of amenity and accessibility.
 - That the street network is designed to accommodate pedestrian use of street pavement in access places and local streets where appropriate, demarcated by alternative paving materials.
 - That the design of footpaths or shared paths shall facilitate ease of use by the disabled, aged and very young.

g Open Space

- That the location and extent of open space and reserves shall be decided with regard to the relationship of the community to other reserves and open spaces, existing and proposed.

h Conservation and Site Development Works

- Subject to the next criterion, that trees are retained in order to achieve the intended environmental outcomes for that part of the zone.
- The replacement of wilding or plantation trees with species better suited to enhancing the landscape.
- That earthworks, excavation and the removal of topsoil ~~to~~ be kept to the minimum necessary to provide for the activities for which the land is to be used.
- That landforms which contribute significantly to the amenity values or character of the locality are to be disturbed as little as possible, and so far as practicable to be used as the basis for subdivisional design, site development, and building design.
- That the character of the landscape features is enhanced.

River Access Area

- Whether the layout of buildings and activities will enhance the environment or amenity values or the conduct of adjoining activities.
- The extent to which structures complement and enhance public places such as pathways and access to the river.
- The extent to which the design and appearance of structures is compatible with the river environment.
- The extent to which the bulk and scale of structures will be softened and enhanced by appropriate landscaping.
- Whether the activity will avoid, remedy or mitigate potential effects on the amenity values of adjoining areas.

j

Integration of Non-residential and Residential Activities

- The extent to which activities and buildings to accommodate them are in harmony with the intended environmental outcomes for the Zone, and in **Activity Area 1 non-residential activities** 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.
- The extent to which the non-residential activity has the potential to cause adverse effects on residential amenity in the neighbourhood in terms of noise, vibration, glare, loss of privacy, traffic and/or parking congestion.
- The extent to which any additional employment will result in levels of traffic generation or pedestrian activity which are incompatible with residential amenity in the neighbourhood.
- The ability to avoid or mitigate any potential adverse effects that could arise from the nature and scale of the non-residential activity on residential amenity in the neighbourhood.

k Staging of Open Space, Reserves, and Community Facilities – Remarkables Park Zone
 Conditions may be imposed to ensure that the above facilities, are provided at or about the same time as other development being undertaken in the Activity Area as identified in the Structure Plan.

l Licensed Premises
 In considering any application for the sale of liquor between the hours of 11pm and 7am, the Council shall, in deciding whether or not to grant consent or impose conditions, have regard to the following specific assessment matters:

- The character, scale and intensity of the proposed use and its compatibility in relation to surrounding and/or adjoining residential neighbourhoods.
- The effect on the existing and foreseeable future amenities of the neighbourhood, particularly in relation to noise and traffic generation.
- The topography of the site and neighbouring areas.
- The nature of existing and permitted future uses on nearby sites.
- The adequacy of car-parking for the site.
- The adequacy of screening and buffer areas between the site and other uses.
- The previous history, where applicable, of the site, and the relative impact of adverse effects caused by activities associated with sale of liquor.

m Buildings or parts of buildings located within the light and dark grey shaded areas on Figure 2 – “Airport Measures”
 Conditions may be imposed to ensure the design and construction of buildings or parts of buildings or of alterations or additions to any building to be used for residential activities, visitor accommodation or community activities is such as to ensure the indoor design sound level specified in zone standard 12.11.5.2(iv) is met.

n Building Height – Lift Towers – Site Standard

- The extent to which protrusion through the height plane is necessary to enable more efficient and/or appropriate use of the site within the height plane.
- Whether alternative lift technology is available and/or appropriate which would enable efficient use of the site.
- Any adverse effects of the height, bulk or location of the lift tower in terms of visual dominance of the outlook from adjoining or nearby sites and buildings.
- Any adverse effects of the height, bulk or location of the lift tower in terms of loss of access to daylight on adjoining sites.
- Any adverse effects of the location of the lift tower in terms of noise on adjoining sites.
- Whether any earthworks have been carried out on the site prior to the date of notification (10 October 1995) that have lowered the level of the site.
- Whether there are rules requiring the site to be built up.
- **Height – Restricted Discretionary Buildings Rule 12.11.3.3 (ii)**
- That buildings have been considered as part of the surrounding urban environment in terms of how they reflect their location within the neighbourhood and the nature of the open spaces which they may face.
- That variations of building height are used to contribute to the legibility, visual interest and character of the neighbourhood.
- That variation of building height is used in combination with other design considerations such as streets and other open space layout, site configuration, building form, façade articulation and roof form design to contribute to the urban structure and visual character of the neighbourhood.

- The external appearance of buildings on prominent sites has taken into account their importance in framing vistas or views.
- The roof form provides an appropriate termination to the building that positively contributes to the variety and visual character of the neighbourhood.
- That building facades create a varied and positive interface with the public realm and other buildings having regard to the use of:
 - Building materials and colours;
 - Glazing treatment;
 - Balconies;
 - Fenestrations;
 - Roof form variations.

p Earthworks – Controlled and Restricted Discretionary activity

1. Environmental Protection Measures

- (a) Whether a comprehensive site management plan has been provided showing sediment/erosion and dust control techniques that are adequate to ensure that sediment and dust remains on-site.
- (b) Whether the earthworks will adversely affect stormwater and overland flows, and create adverse effects off-site.
- (c) The duration the earthworks will be exposed.
- (d) Where earthworks are proposed on a site with a gradient > 18.5 degrees (1 in 3), whether a geotechnical report has been supplied by a suitably qualified engineer to assess the stability of the earthworks.
- (e) Whether appropriate measures to control dust emissions are proposed.
- (f) Whether any groundwater is likely to be affected and any mitigation measures are proposed to deal with any effects.
- (g) The effects of the earthworks proposed for the development, the methods proposed for the disposal of excess soil or vegetation, and the need for any conditions to avoid or mitigate any adverse effects, including effects at the disposal site.

2. Effects on landscape and visual amenity values:

- (a) Whether the scale and location of any cut and fill will adversely affect the visual quality and amenity value of the landscape and urban environment.
- (b) The proposed rehabilitation of the site.
- (c) The potential for effects on the natural form of existing landscapes with particular regard to areas of interface with the rural landscape or topographical features.

3. Effects on adjacent sites:

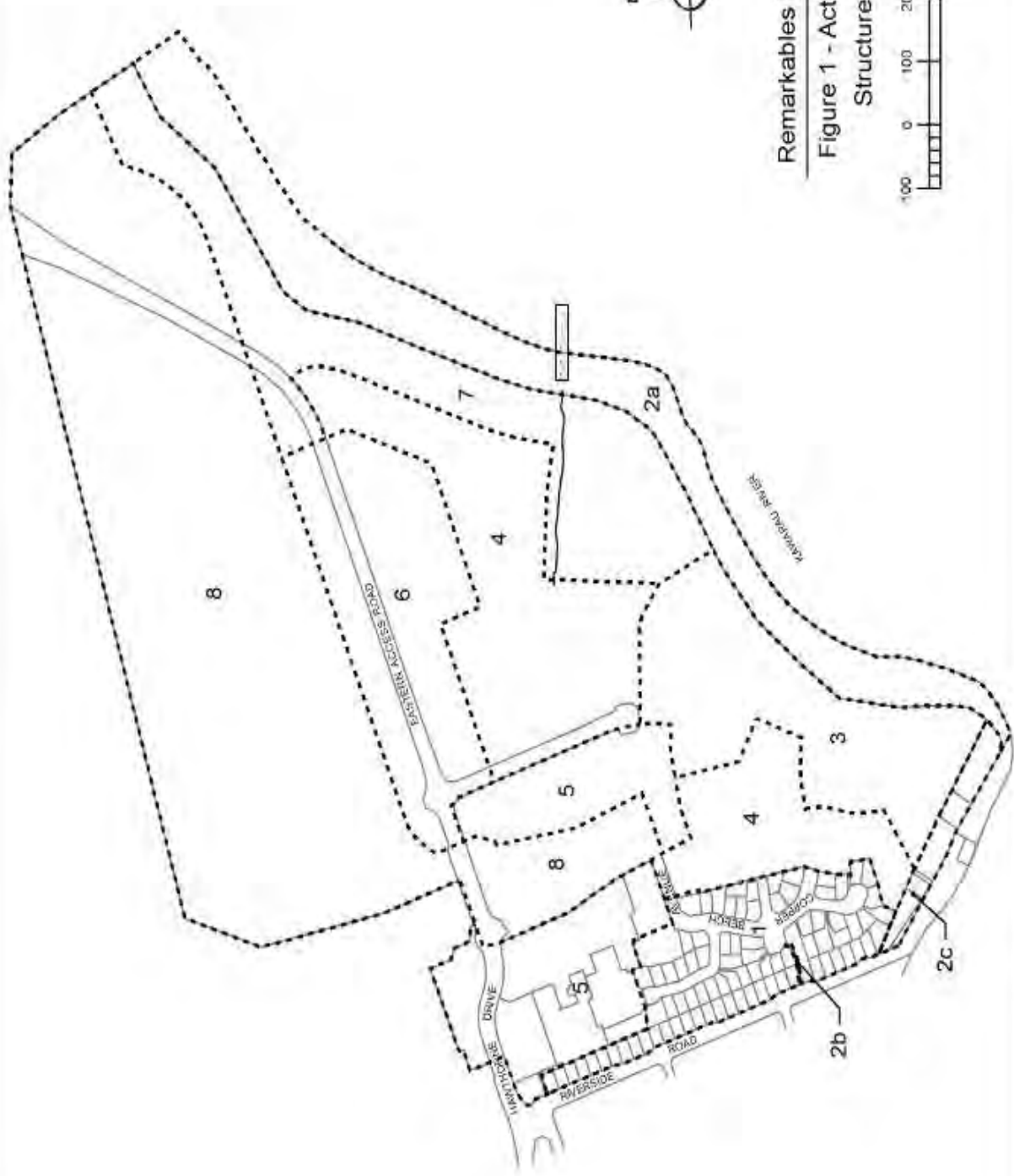
- (a) Whether the earthworks will adversely affect the stability of neighbouring sites.
- (b) Whether the earthworks will change surface drainage, and whether the adjoining land will be at a higher risk of inundation, or a raised water table.
- (c) Whether cut, fill and retaining are done in accordance with engineering standards.

4. General amenity values:

- (a) Whether the removal of soil to or from the site will affect the surrounding roads and neighbourhood through the deposition of sediment, particularly where access to the site is gained through residential areas.
- (b) Whether the activity will generate noise, vibration and dust effects, which could detract from the amenity values of the surrounding area.
- (c) Whether natural ground levels will be altered.

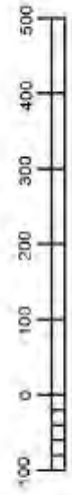
5. Impacts on sites of cultural heritage value:

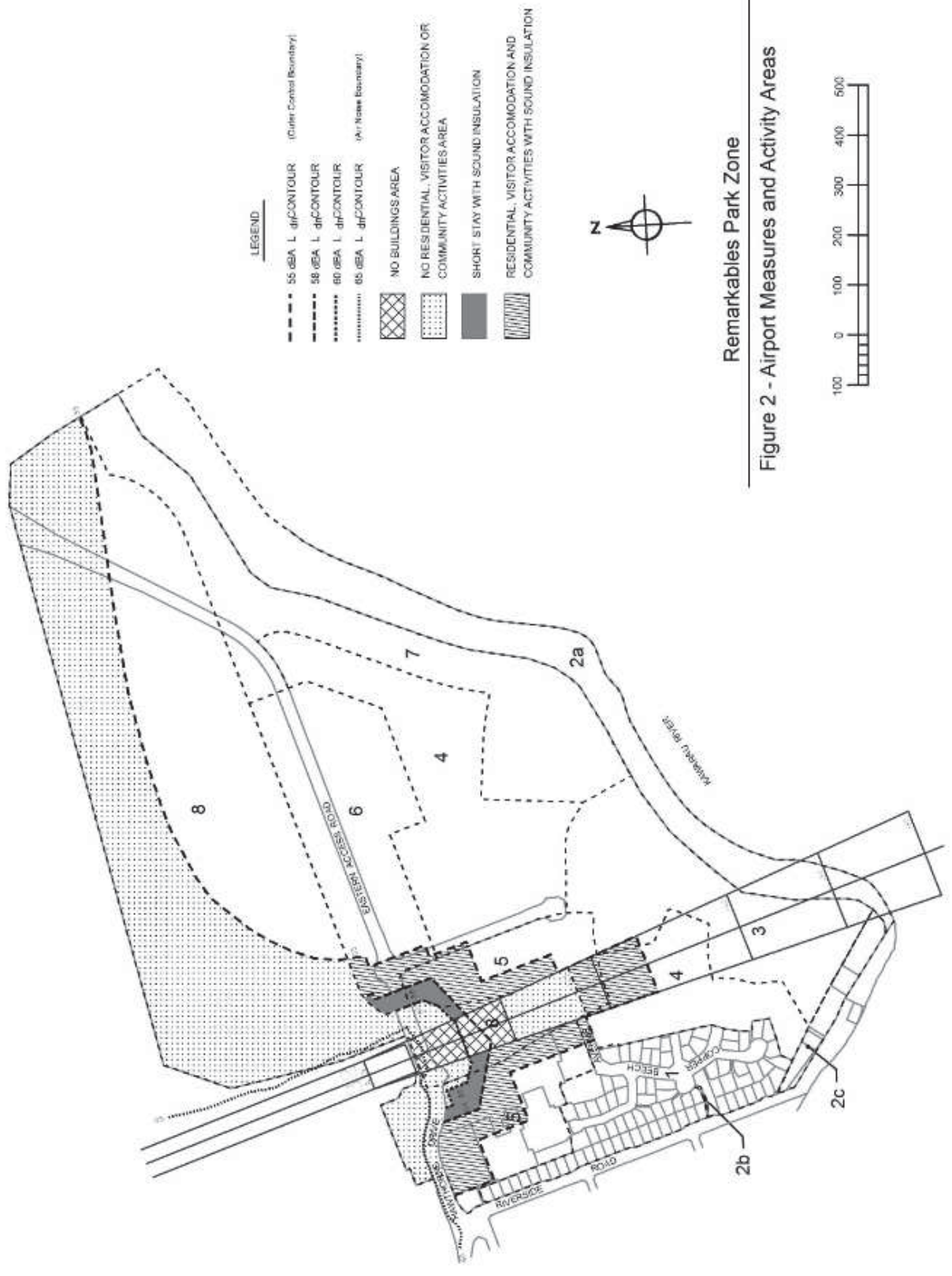
- (a) —Whether the subject land contains Waahi Tapu or Waahi Taoka, or is adjacent to a Statutory Acknowledgment Area, and whether tangata whenua have been notified.
- (b) —Whether the subject land contains a recorded archaeological site, and whether the NZ Historic Places Trust has been notified.

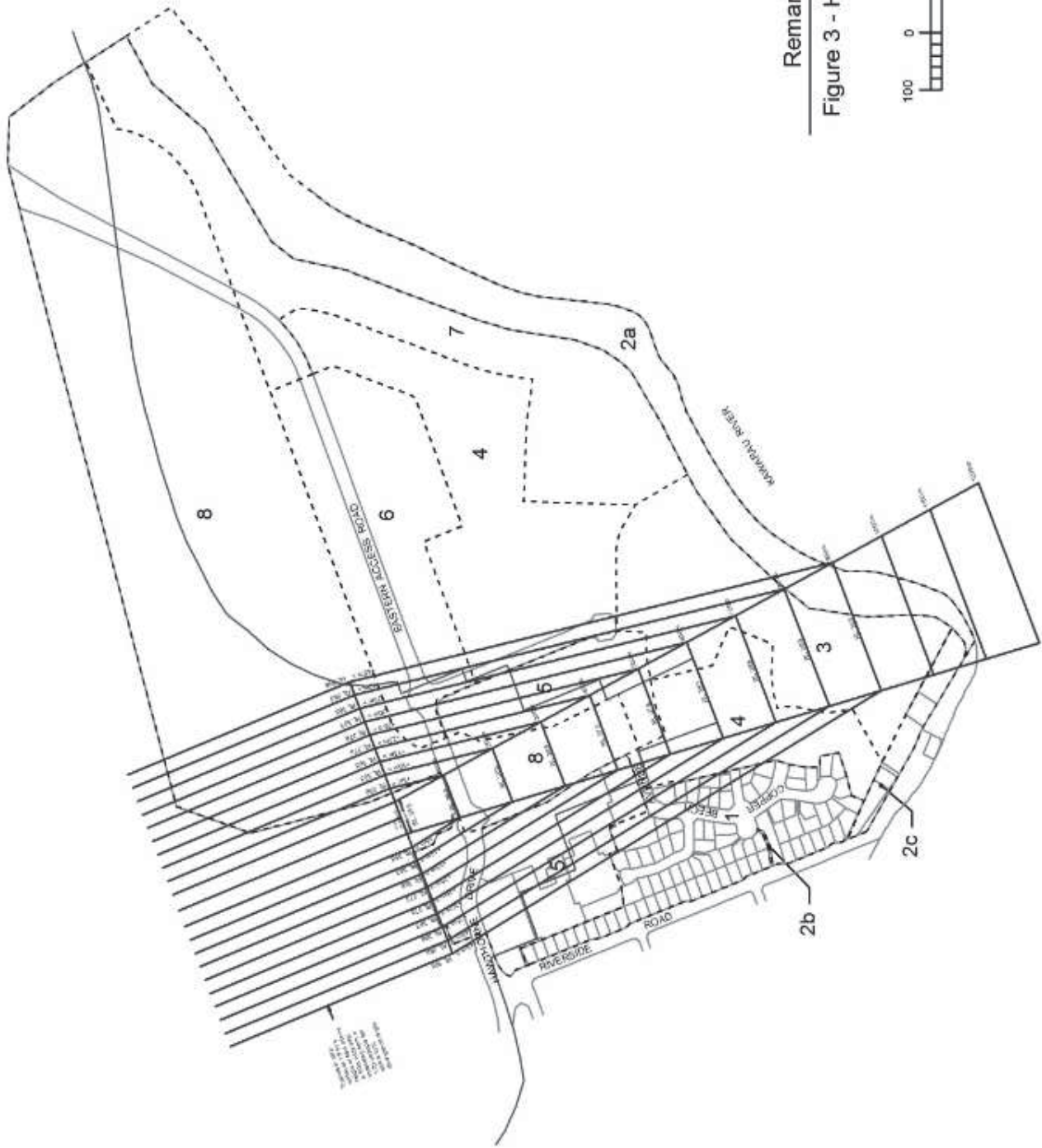


Remarkables Park Zone

Figure 1 - Activity Areas
Structure Plan







Remarkables Park Zone

Figure 3 - Height Restrictions Plan

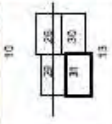




Queenstown Lakes District Council
District Plan Maps

Lower Shotover

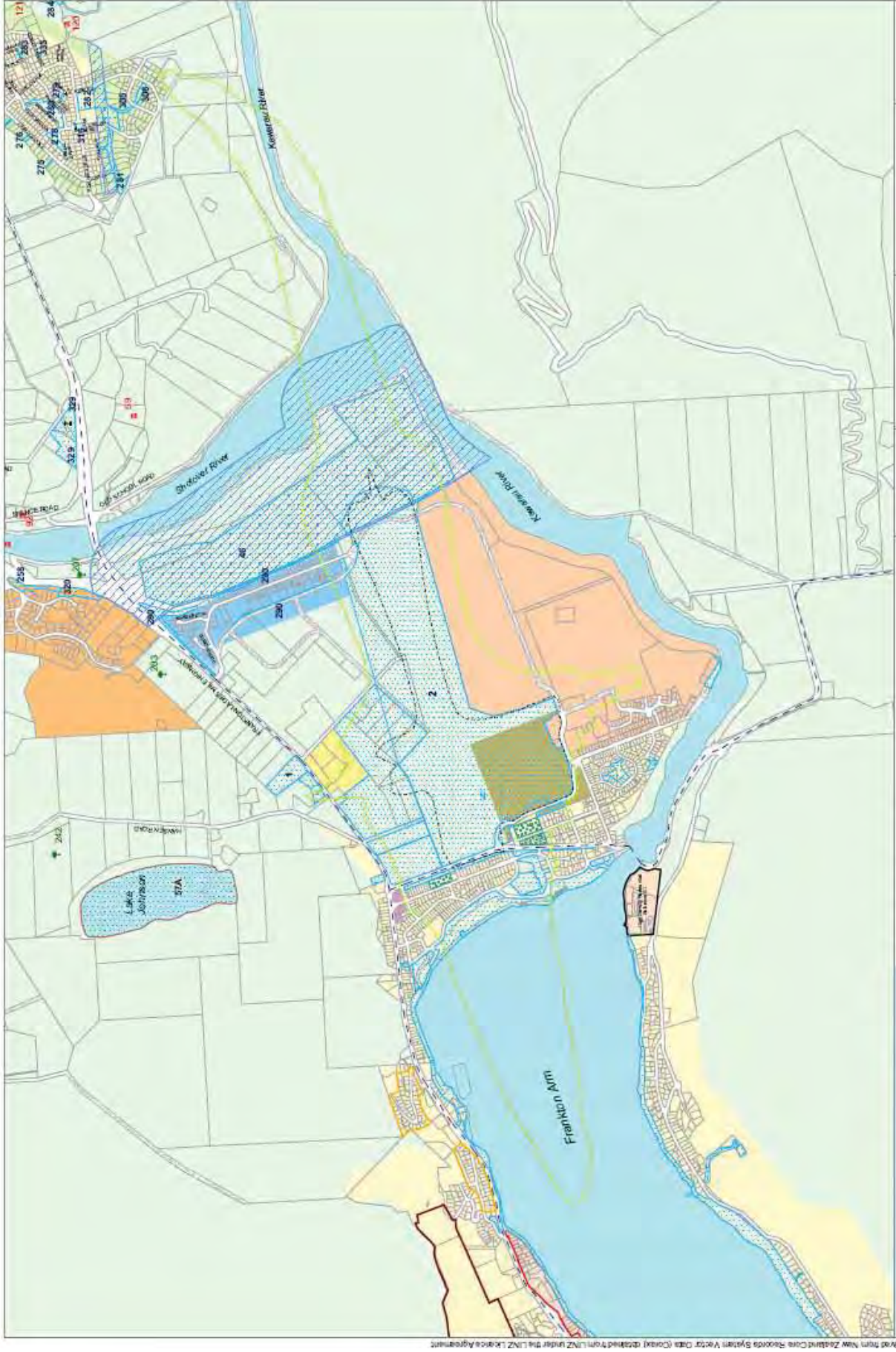
Map published: October 2011



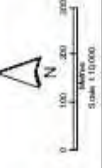
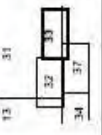

 Maps created by Q.L.D.C GIS Department

31

THE DISTRICT BOUNDARIES SHOWN ON THIS MAP WERE DERIVED FROM THE 2008 CENSUS DATA. THE DISTRICT BOUNDARIES SHOWN ON THIS MAP WERE DERIVED FROM THE 2008 CENSUS DATA. THE DISTRICT BOUNDARIES SHOWN ON THIS MAP WERE DERIVED FROM THE 2008 CENSUS DATA.



Point boundaries derived from New Zealand Core Records System Vector Data (Copyrighted to LINZ under the LINZ License Agreement)



APPENDIX 2

SUMMARY OF THE DECISIONS REQUESTED, INCLUDING THE FURTHER SUBMISSIONS (BEING APPENDIX B TO THE SECTION 42A REPORT)



SUMMARY OF DECISIONS REQUESTED FOR PLAN CHANGE 34

Further submissions due 14/07/2011

Name *Air New Zealand*

<i>Position</i>	<i>Plan Provision</i>	<i>Decision Requested</i>	<i>SubNo.</i>
Partly Support	Whole Plan Change	That the decision takes account of the points raised in submission (promotion of sustainable management, provides for reverse sensitivity effects arising from ASANs in close proximity to the airport, prohibits new ASANs from establishing within the Outer Control Boundary, enable efficient use and development of the Airport and surrounding area, meet the reasonable needs of future generations).	34/1/1
		<i>Further Submissions - Ministry of Education</i>	<i>Oppose</i>
		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.	34/1/1
		The urban zones within the RPZ are settled and operative. PC34 seeks only to make certain changes to the location of some of the zones and seeks to modify some of the district plan rules with respect to them. To seek to residential, visitor accommodation, and community activities by the generic term ASANs and to make them prohibited activities within the OCB is beyond the scope of the plan change.	
		It would be wrong to impose restrictions or prohibitions within established and operative Urban zones such as the RPZ to relieve the Airport Corporation or aircraft operators of their duty to avoid, remedy or mitigate adverse effects of future expansion of airport activities.	
		The relief sought is inconsistent with the purpose of the Act, would not assist the Council under section 31, and will not be the most effective and efficient means of implementing the relevant objectives and policies of the District Plan.	
		<i>Queenstown Airport Corporation Limited</i>	<i>Support</i>
		Supports submission 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.	34/1/1
		QAC supports ANZL's submission for the reasons stated by ANZL in its submission.	
		QAC considers that the relief sought by ANZL is necessary and appropriate to ensure that the future growth of the airport as nationally significant infrastructure is not compromised by issues of reverse sensitivity.	
Partly Support	Whole Plan Change	The Plan Change is updated to reflect the terminology modifications made through Plan Change 35, ie the references to "residential, visitor accommodation, or community activities" are replaced with "ASANs".	34/1/2
		<i>Further Submissions - Ministry of Education</i>	<i>Oppose</i>
		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.	34/1/2
		The urban zones within the RPZ are settled and operative. PC34 seeks only to make certain changes to the location of some of the zones and seeks to modify some of the district plan rules with respect to them. To seek to residential, visitor accommodation, and community activities by the generic term ASANs and to make them prohibited activities within the OCB is beyond the scope of the plan change.	
		It would be wrong to impose restrictions or prohibitions within established and operative Urban zones such as the RPZ to relieve the Airport Corporation or aircraft operators of their duty to avoid, remedy or mitigate adverse effects of future expansion of airport activities.	
		The relief sought is inconsistent with the purpose of the Act, would not assist the Council under section 31, and will not be the most effective and efficient means of implementing the relevant objectives and policies of the District Plan.	

Partly Support	Whole Plan Change	The prohibited activity status of activities within the OCB being extended to include all ASANs.	34/1/3
		<i>Further Submissions - Ministry of Education</i> <i>Oppose</i>	34/1/3
		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. PC34 seeks only to make certain changes to the location of some of the zones and seeks to modify some of the district plan rules with respect to them. To seek to residential, visitor accommodation, and community activities by the generic term ASANs and to make them prohibited activities within the OCB is beyond the scope of the plan change.	
		It would be wrong to impose restrictions or prohibitions within established and operative Urban zones such as the RPZ to relieve the Airport Corporation or aircraft operators of their duty to avoid, remedy or mitigate adverse effects of future expansion of airport activities.	
		The relief sought is inconsistent with the purpose of the Act, would not assist the Council under section 31, and will not be the most effective and efficient means of implementing the relevant objectives and policies of the District Plan.	
Partly Support	Whole Plan Change	The area in which ASANs are prohibited being extended to reflect the air noise boundary adjustments made through Plan Change 35.	34/1/4
Partly Support	Whole Plan Change	That the Council make any further or consequential amendments necessary to give effect to this submission.	34/1/5

Name Aldridge, Jeff

<i>Position</i>	<i>Plan Provision</i>	<i>Decision Requested</i>	<i>SubNo.</i>
Support	Rezoning AMU land to provide consistency of zoning and addressing inconsistency between objectives, policies and activities.	Support the Plan Change.	34/2/1

Name Burgess, Samuel

<i>Position</i>	<i>Plan Provision</i>	<i>Decision Requested</i>	<i>SubNo.</i>
Support	Whole Plan Change	Support Whole Plan Change	34/3/1

Name Burnett, Caroline

<i>Position</i>	<i>Plan Provision</i>	<i>Decision Requested</i>	<i>SubNo.</i>
Oppose	Whole Plan Change	Disagree in principle in the change as the objectives and specific details of what is proposed seem unclear. Object to large big box retail facilities.	34/4/1
		<i>Further Submissions - Shotover Park Limited</i> <i>Oppose</i>	34/4/1
		PC34 provides a clear objective and policy framework and is consistent with the operative Remarkables Park Zone.	

Name Cummings, Pat

<i>Position</i>	<i>Plan Provision</i>	<i>Decision Requested</i>	<i>SubNo.</i>
Support	Whole Plan Change	Support whole plan change.	34/5/1

Name Egerton, Dan

<i>Position</i>	<i>Plan Provision</i>	<i>Decision Requested</i>	<i>SubNo.</i>
Support	Whole Plan Change	To approve the plan change in its entirety.	34/6/1

Name *Forbes, Alexa*

<i>Position</i>	<i>Plan Provision</i>	<i>Decision Requested</i>	<i>SubNo.</i>
Support	Whole Plan Change	Support the provisions and allow Private Plan Change 34.	34/7/1

Name *Frankton Community Association*

<i>Position</i>	<i>Plan Provision</i>	<i>Decision Requested</i>	<i>SubNo.</i>
Support	Whole Plan Change	Support the Plan Change.	34/8/1
Support	Whole Plan Change	The road connection between Remarkables Park and Glenda Drive area needs to be hurried up and implemented.	34/8/2

Name *Hanan, Ralph*

<i>Position</i>	<i>Plan Provision</i>	<i>Decision Requested</i>	<i>SubNo.</i>
Support	Activity Area 2a	For consistency and future recreation use it is essential that the 2.7ha be intergrated with RPZ along the river.	34/9/1
Support	Whole Plan Change	Unreasonable for the Council to require RPL to provide an Urban Design Report.	34/9/2

Name *Hazledine, Sam*

<i>Position</i>	<i>Plan Provision</i>	<i>Decision Requested</i>	<i>SubNo.</i>
Support	Whole Plan Change	Support Plan Change	34/10/1

Name *Irvine, Aaron*

<i>Position</i>	<i>Plan Provision</i>	<i>Decision Requested</i>	<i>SubNo.</i>
Support	Whole Plan Change	Support the Plan Change and supports any expansion to keep retail confined to this area.	34/11/1

Name *Kirk, Steven*

<i>Position</i>	<i>Plan Provision</i>	<i>Decision Requested</i>	<i>SubNo.</i>
Support	Whole Plan Change	Support Plan Change.	34/12/1

Name *Ministry of Education*

<i>Position</i>	<i>Plan Provision</i>	<i>Decision Requested</i>	<i>SubNo.</i>
Support	Whole Plan Change	Approve Plan Change 34.	34/13/1
Support	Whole Plan Change	Such other consequential relief that will give effect to the matters expressed in this submission.	34/13/2

Name *Otago Regional Council*

<i>Position</i>	<i>Plan Provision</i>	<i>Decision Requested</i>	<i>SubNo.</i>
Oppose	Whole Plan Change	That any provision for increase in Intensity recognise the relative risk of liquefaction, and that this risk be appropriately investigated and provided for during development of the Remarkables Park Special Zone.	34/14/1

Further Submissions - Young, Penelope

Support

34/14/1

Name Patel, Niki

Position	Plan Provision	Decision Requested	SubNo.
Oppose	Building Height	Oppose the increase of building height to 18 metres promoted by the Plan Change, this needs to be discussed fully.	34/15/1
	<i>Further Submissions - Shotover Park Limited</i>	<i>Oppose</i>	34/15/1
	The issues raised do not recognise the activity mix already enabled under the operative Remarkables Park zone.		
	<i>Young, Penelope</i>	<i>Support</i>	34/15/1
Oppose	Policy amendments	Do not change the policy regarding activities - panel beating, should not be changed in order to protect the residents as the existing district plan provisions do.	34/15/2
	<i>Further Submissions - Shotover Park Limited</i>	<i>Oppose</i>	34/15/2
	The issues raised do not recognise the activity mix already enabled under the operative Remarkables Park zone.		
	<i>Young, Penelope</i>	<i>Support</i>	34/15/2
Oppose	Hours of Activities	Need to protect the residents, with student accommodation may come bars etc, in what is a family and elderly area. This will increase traffic. Questions where the non commercial buffer zones for the current housing are.	34/15/3
	<i>Further Submissions - Shotover Park Limited</i>	<i>Oppose</i>	34/15/3
	The issues raised do not recognise the activity mix already enabled under the operative Remarkables Park zone.		
	<i>Young, Penelope</i>	<i>Support</i>	34/15/3
Oppose	Whole Plan Change	As each commercial unit is developed noise [limits] need to be taken into account in terms of the activity areas.	34/15/4
	<i>Further Submissions - Shotover Park Limited</i>	<i>Oppose</i>	34/15/4
	The issues raised do not recognise the activity mix already enabled under the operative Remarkables Park zone.		
	<i>Young, Penelope</i>	<i>Support</i>	34/15/4
Oppose	Whole Plan Change	The Council needs to act for the 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.	34/15/5
	<i>Further Submissions - Shotover Park Limited</i>	<i>Oppose</i>	34/15/5
	The issues raised do not recognise the activity mix already enabled under the operative Remarkables Park zone.		
	<i>Young, Penelope</i>	<i>Support</i>	34/15/5

Name *Queenstown Airport Corporation Limited*

<i>Position</i>	<i>Plan Provision</i>	<i>Decision Requested</i>	<i>SubNo.</i>
Partly Support	Figure 2 - Airport Measures	Seek that Figure 2 - Airport Measures be amended so the contours promoted through Plan Change 35 decision apply and the grey hatched and grey shaded areas on Figure 2 - Airport Measures are amended accordingly. Seek that health and/or day care facilities remain a discretionary activity in Activity Area 4, or in the alternative that the Plan Change is rejected.	34/16/1
Oppose	Activity Area 8	Submits that any changes to Activity Area 8 are rejected or that the Plan Change is rejected.	34/16/2
	<i>Further Submissions - Queenstown Gateway Limited</i>	<i>Support</i>	<i>34/16/2</i>
	<i>Shotover Park Limited</i>	<i>Oppose</i>	<i>34/16/2</i>
	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 remarkable Park zone.		
	<i>Young, Penelope</i>	<i>Support</i>	<i>34/16/2</i>
Oppose	Rezoning Airport Mixed Use Zone	Seeks that Lots 1 and 33 be excluded from the Plan Change or that the Plan Change is rejected.	34/16/3
	<i>Further Submissions - Queenstown Central Limited</i>	<i>Support</i>	<i>34/16/3</i>
	<i>Shotover Park Limited</i>	<i>Oppose</i>	<i>34/16/3</i>
	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 remarkable Park zone.		
	<i>Young, Penelope</i>	<i>Support</i>	<i>34/16/3</i>
Oppose	Airport Related Controls	QAC requests that the Plan Change is rejected on the grounds that Plan Change seeks to amend height provisions in Zone Standard 12.11.5.2(II),	34/16/4
	<i>Further Submissions - Shotover Park Limited</i>	<i>Oppose</i>	<i>34/16/4</i>
	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 remarkable Park zone.		
	<i>Young, Penelope</i>	<i>Support</i>	<i>34/16/4</i>
Oppose	Consultation	QAC is an immediate neighbour and was not adequately consulted on the Plan Change. QAC requests the Plan Change is placed on hold to allow adequate consultation to take place and or further information be obtained, in the alternative that the entire Plan Change be rejected.	34/16/5
	<i>Further Submissions - Shotover Park Limited</i>	<i>Oppose</i>	<i>34/16/5</i>
	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 remarkable Park zone.		
	<i>Young, Penelope</i>	<i>Support</i>	<i>34/16/5</i>
Oppose	Whole Plan Change	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.	34/16/6
	<i>Further Submissions - Queenstown Central Limited</i>	<i>Support</i>	<i>34/16/6</i>
	<i>Queenstown Gateway Limited</i>	<i>Support</i>	<i>34/16/6</i>
	<i>Shotover Park Limited</i>	<i>Oppose</i>	<i>34/16/6</i>
	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 remarkable Park zone.		
	<i>Young, Penelope</i>	<i>Support</i>	<i>34/16/6</i>

Name *Queenstown Central Limited*

<i>Position</i>	<i>Plan Provision</i>	<i>Decision Requested</i>	<i>SubNo.</i>
Oppose	Whole Plan Change	QCL 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 the subject of motion pursuant to section 149T(2) on a Notice of Requirement to alter the existing aerodrome purposes designation in the District Plan.	34/17/1
		<i>Further Submissions - Queenstown Airport Corporation Limited</i>	<i>Support</i>
		QCL's submission acknowledges the importance of Queenstown Airport, and that the Queenstown Airport is nationally significant. The EPA has determined the Lot 6 to be a proposal of national significance.	34/17/1
		QCL opposes the expansion of the RPZ onto land that has been identified for the expansion of the airport (i.e. through the Lot 6 NOR) and queries the justification for such expansion. QCL consider such expansion is contrary to the purpose and principles of the RMA, and sound resource management practice.	
		<i>Shotover Park Limited</i>	<i>Oppose</i>
		It is misconceived. PC34 does not propose to expand the RPZ. The issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.	34/17/1
		<i>Young, Penelope</i>	<i>Support</i>
			34/17/1
Oppose	Whole Plan Change	QCL 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 1991.	34/17/2
		<i>Further Submissions - Shotover Park Limited</i>	<i>Oppose</i>
		It is misconceived. PC34 does not propose to expand the RPZ. The issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.	34/17/2
		<i>Young, Penelope</i>	<i>Support</i>
			34/17/2

Name *Queenstown Gateway Limited*

<i>Position</i>	<i>Plan Provision</i>	<i>Decision Requested</i>	<i>SubNo.</i>
Oppose	Whole Plan Change	QGL 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 the subject of motion pursuant to section 149T(2) on a Notice of Requirement to alter the existing aerodrome purposes designation in the District Plan.	34/18/1
		<i>Further Submissions - Queenstown Airport Corporation Limited</i>	<i>Support</i>
		QGL's submission acknowledges the importance of Queenstown Airport, and that the Queenstown Airport is nationally significant. The EPA has determined the Lot 6 to be a proposal of national significance.	34/18/1
		QGL opposes the expansion of the RPZ onto land that has been identified for the expansion of the airport (i.e. through the Lot 6 NOR) and queries the justification for such expansion. QGL consider such expansion is contrary to the purpose and principles of the RMA.	
		<i>Shotover Park Limited</i>	<i>Oppose</i>
		It is misconceived. PC34 does not propose to expand the RPZ. The issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.	34/18/1
		<i>Young, Penelope</i>	<i>Support</i>
			34/18/1
Oppose	Whole Plan Change	QGL submits that the Plan Change as notified will have impacts on the State Highway network that are unjustified, unnecessary and contrary to the purpose of and principles of the Resource Management Act 1991.	34/18/2
		<i>Further Submissions - Shotover Park Limited</i>	<i>Oppose</i>
		It is misconceived. PC34 does not propose to expand the RPZ. The issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.	34/18/2
		<i>Young, Penelope</i>	<i>Support</i>
			34/18/2

Name *Queenstown Lakes District Council*

<i>Position</i>	<i>Plan Provision</i>	<i>Decision Requested</i>	<i>SubNo.</i>
Oppose	Whole Plan Change	The Plan Change be declined unless adequate and appropriate provisions are made to deal with strategic District wide issues.	34/19/1
	<i>Further Submissions - Shotover Park Limited</i>	<i>Oppose</i>	34/19/1
	The issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.		
	<i>Young, Penelope</i>	<i>Support</i>	34/19/1
Oppose	Whole Plan Change	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.	34/19/2
	<i>Further Submissions - Shotover Park Limited</i>	<i>Oppose</i>	34/19/2
	The issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.		
	<i>Young, Penelope</i>	<i>Support</i>	34/19/2
Oppose	Whole Plan Change	Require more detailed analysis of the effects of the development on the Kawarau River.	34/19/3
	<i>Further Submissions - Shotover Park Limited</i>	<i>Oppose</i>	34/19/3
	The issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.		
	<i>Young, Penelope</i>	<i>Support</i>	34/19/3
	Old tip site and contaminated land in this area.		
Oppose	Whole Plan Change	Require the applicant to provide a detailed structure plan to show how the development can proceed accordingly to good urban design principals; and Change the Remarkables Park Special Zone to require that an Outline Development Plan process (or similar) is required as at least Restricted Discretionary Activity before any further development is undertaken.	34/19/4
	<i>Further Submissions - Shotover Park Limited</i>	<i>Oppose</i>	34/19/4
	The issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.		
	<i>Young, Penelope</i>	<i>Support</i>	34/19/4
Oppose	Whole Plan Change	Remove instances where the term "town centre" is used.	34/19/5
	<i>Further Submissions - Shotover Park Limited</i>	<i>Oppose</i>	34/19/5
	The issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.		
	<i>Young, Penelope</i>	<i>Support</i>	34/19/5
Oppose	Changes to Planning Maps	Remove the zoning totally from AA2A so it is consistent with other unformed roads in the District Plan, or leave the underlying zoning as Rural General zoning.	34/19/6
	<i>Further Submissions - Shotover Park Limited</i>	<i>Oppose</i>	34/19/6
	The issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.		
	<i>Young, Penelope</i>	<i>Support</i>	34/19/6
Oppose	Component 1 of Plan Change	Remove the Remarkables Park Special Zoning or demonstrate that any development can connect (by pedestrians) in a cohesive manner.	34/19/7
	<i>Further Submissions - Queenstown Airport Corporation Limited</i>	<i>Support</i>	34/19/7
	Supports the submission for the reasons stated in the QLDC submission.		
	The proposed rezoning 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 is therefore inappropriate.		
	<i>Shotover Park Limited</i>	<i>Oppose</i>	34/19/7
	The issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.		
	<i>Young, Penelope</i>	<i>Support</i>	34/19/7
Oppose	Zoning of additional land for Large Format Retail Activities	That the decision relating to Large Format Retail is made with the knowledge of the wider context in Frankton.	34/19/8
	<i>Further Submissions - Shotover Park Limited</i>	<i>Oppose</i>	34/19/8
	The issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.		
	<i>Young, Penelope</i>	<i>Support</i>	34/19/8

Oppose	Modification to RPZ Activity Area 3	Make education facilities a Restricted Discretionary Activity in AA3 with discretion limited to matters such as design and appearance, parking and loading, landscaping, connections to surrounding development, etc.	34/19/9
	<i>Further Submissions - Shotover Park Limited</i>	<i>Oppose</i>	<i>34/19/9</i>
	The issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.		
	<i>Young, Penelope</i>	<i>Support</i>	<i>34/19/9</i>
Oppose	Policy 2 Objective 4	Support the proposed changes to the policy with an amendment to require the need to reflect the wider landscape context.	34/19/10
	<i>Further Submissions - Shotover Park Limited</i>	<i>Oppose</i>	<i>34/19/10</i>
	The issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.		
	<i>Young, Penelope</i>	<i>Support</i>	<i>34/19/10</i>
Oppose	Carparking in AA4 and AA8	Make carparking in these areas a Discretionary activity. Should additional carparking be provided there needs to be an emphasis on good pedestrian routes around and through the car parking areas, landscaping is also important. Require that a travel management plan is developed for the area by a qualified expert if additional carparking is required.	34/19/11
	<i>Further Submissions - Shotover Park Limited</i>	<i>Oppose</i>	<i>34/19/11</i>
	The issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.		
	<i>Young, Penelope</i>	<i>Support</i>	<i>34/19/11</i>
Oppose	Amendments relating to the Urban Design Panel	Do not broaden the scope of the Remarkables Park Urban Design Panel.	34/19/12
	<i>Further Submissions - Shotover Park Limited</i>	<i>Oppose</i>	<i>34/19/12</i>
	The issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.		
	<i>Young, Penelope</i>	<i>Support</i>	<i>34/19/12</i>
Oppose	Site standard 12.11.2.1 (II)	The existing height limit in AA8 remains.	34/19/13
	<i>Further Submissions - Shotover Park Limited</i>	<i>Oppose</i>	<i>34/19/13</i>
	The issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.		
	<i>Young, Penelope</i>	<i>Support</i>	<i>34/19/13</i>
Oppose	Whole Plan Change	Make any inconsequential changes necessary to fulfil the intent of this submission.	34/19/14
	<i>Further Submissions - Shotover Park Limited</i>	<i>Oppose</i>	<i>34/19/14</i>
	The issues raised do not recognise the activity mix already enabled under the operative Remarkables Park Zone.		
	<i>Young, Penelope</i>	<i>Support</i>	<i>34/19/14</i>

Name *Savanna Group Limited*

<i>Position</i>	<i>Plan Provision</i>	<i>Decision Requested</i>	<i>SubNo.</i>
Support	Activity Area 5	Support the Plan Change in its entirety.	34/20/1
Support	Activity Area 5	Support expansion of Activity Area 5 specifically.	34/20/2

Name *Shotover Park Limited*

<i>Position</i>	<i>Plan Provision</i>	<i>Decision Requested</i>	<i>SubNo.</i>
Support	Activity Areas 2a, 3, 5 and 7	Supports the Plan Change in its entirety subject to Activity Area 3 being 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.	34/21/1

Name *Smith, J.W.A*

<i>Position</i>	<i>Plan Provision</i>	<i>Decision Requested</i>	<i>SubNo.</i>
Support	Whole Plan Change	Support the plan change in its entirety.	34/22/1

Name *Smith, Sebastian*

<i>Position</i>	<i>Plan Provision</i>	<i>Decision Requested</i>	<i>Sub.No.</i>
Support	Expansion of Activity Area 5	Support provisions of Plan Change	34/23/1
Support	Extension of the AA2a zoning	Support provisions of Plan Change	34/23/2
Support	Increasing of Height Limit in AA8	Support provisions of Plan Change	34/23/3

Name *Smith, Simon*

<i>Position</i>	<i>Plan Provision</i>	<i>Decision Requested</i>	<i>Sub.No.</i>
Support	Whole Plan Change	Support Plan Change.	34/24/1

Name *Ward, John*

<i>Position</i>	<i>Plan Provision</i>	<i>Decision Requested</i>	<i>Sub.No.</i>
Support	Whole Plan Change	Support the Plan Change.	34/25/1

Name *Wilson, Miles*

<i>Position</i>	<i>Plan Provision</i>	<i>Decision Requested</i>	<i>Sub.No.</i>
Support	Whole Plan Change	Approve the Plan Change.	34/26/1

Name *Young, Penelope*

<i>Position</i>	<i>Plan Provision</i>	<i>Decision Requested</i>	<i>Sub.No.</i>
Oppose	Whole Plan Change	Oppose the entire Plan Change until Remarkables Park Limited honour an agreement made in 1992 to provide land for a local purpose reserve for tree planting	34/27/1

APPENDIX 3

LIST OF SUBMITTERS AND FURTHER SUBMITTERS

Submitters and Further Submitters to Plan Change 34 – Remarkables Park Zone

Original Submitters	Further Submissions
Air New Zealand	Penelope Young
Jeff Aldridge	The Minister of Education
Samuel Burgess	Shotover Park Limited
Caroline Burnett	Queenstown Gateway Limited
Pat Cummings	Queenstown Central Limited
Dan Egerton	Queenstown Airport Corporation
Alexa Forbes	
Frankton Community Association	
Ralph Hanan	
Sam Hazledine	
Aaron Irvine	
Steven Kirk	
The Minister of Education	
Otago Regional Council	
Neki Patel	
Queenstown Airport Corporation	
Queenstown Central Limited	
Queenstown Gateway Limited	
Queenstown Lakes District Council	
Savanna Group Limited	
Shotover Park Limited	
J.W.A Smith	
Sebastian Smith	
Simon Smith	
John Ward	
Miles Wilson	
Penelope Young	

APPENDIX 4 : DRAFT INDICATIVE MASTER PLAN

Modified RPZ Activity Area Boundary (PC34)

LEGEND

Town Centre

- Town Centre - Existing Buildings
- Town Centre - Planned Construction*
- Town Centre - Expansion Buildings*

Resort Facilities

- Flag Hotels / Resort Accommodation / Boutique Retail / Food and Beverage*
- Conference, Visitor and Cultural Facilities*
- Jet Ferry Terminal*

Educational Facilities

- Tertiary Institutions*, Student / Staff Accommodation + Childcare*
- High School*

Healthcare Facilities

- Hospital / Integrated Medical Complex*
- Seniors Village*

Residential

- Condominiums*
- Low Density Housing - Existing

*** Masterplan Proposed Facilities / Indicative Buildings**

Disclaimer: All elements of this Plan and the concepts shown herein are the property of the client. The client acknowledges that the client is responsible for the accuracy of the information provided. The client also acknowledges that the client is responsible for the accuracy of the information provided. The client also acknowledges that the client is responsible for the accuracy of the information provided.



Sports and Recreation Facilities

- Parkland - Existing
- Parkland - Extension*
- Golf Club Facilities*
- Sports and Pool Facilities*
- Utilities and Maintenance Facilities*
- Trails - Existing
- Trails - Future*
- Watercourse
- Food and Beverage
- Local Market

