

Appendix B - A copy of the relevant parts of the decision; and

PART C: FRANKTON NORTH – CENTRAL AND EAST

Submitters: S Spence (Submission 8), Ian & Dorothy Williamson (Submission 140), Universal Developments Limited (Submission 177), S & J McLeod (Submission 391), P & M Arnott (Submission 399), Otago Foundation Trust Board (Submission 408), Jandel Trust (Submission 717), Hansen Family Partnership (Submission 751), FII Holdings Limited (Submission 847)

Further Submissions

FS1270 Hansen Family Partnership – support 399, 408, 717, 847, oppose 8
FS1029 Universal Developments – oppose 8, 717
FS1061 Otago Foundation Trust Board – support 399, 851, oppose 8, 717
FS1062 Ross Copeland – oppose 717
FS1195 Jandel Trust – support 751, 847, oppose 8, 391
FS1271.12 Hartell Properties Ltd and Others
FS1167 P & M Arnott -support 717, 751, oppose 8, 408
FS1340 Queenstown Airport Corporation – oppose 399, 408, 717, 751
FS1092.9 New Zealand Transport Agency – oppose 408, 717, 751
FS1077 Board of Airline Representatives – oppose 399, 717, 751, 847
FS1189 FII Holdings Ltd – support 717, oppose 8, 391

7. PRELIMINARY MATTERS

7.1. Subject of Submissions

53. These submissions related to an area of approximately 28 ha north of the SH6 at Frankton, as shown on Figure 6-1 above, which is reproduced below as Figure 6-3 for convenience. Note that some of the submissions include the Grant land (submission 455) at the south western tip of the strip which has been discussed separately above.

7.2. Outline of Relief Sought

54. The submissions requested a wide range of alternative zonings ranging from rural, through to all forms of residential, business and industrial.

55. Other submissions sought amendments relating to various PDP provisions affecting the lands requested to be rezoned.

7.3. Description of the Site and Environs

56. The land is mostly used for small-scale rural activities, with some houses and an engineering workshop, scattered trees and some shelter belts. It contains flat lands along SH6, terraces and the lower slope of Ferry Hill. Two substations, belonging to Transpower and Aurora Energy, are located part way along the strip.

57. To the south across SH6 is the Queenstown Events Centre, the Five Mile development and Glenda Drive industrial area. To the north the land rises steeply to Ferry Hill.

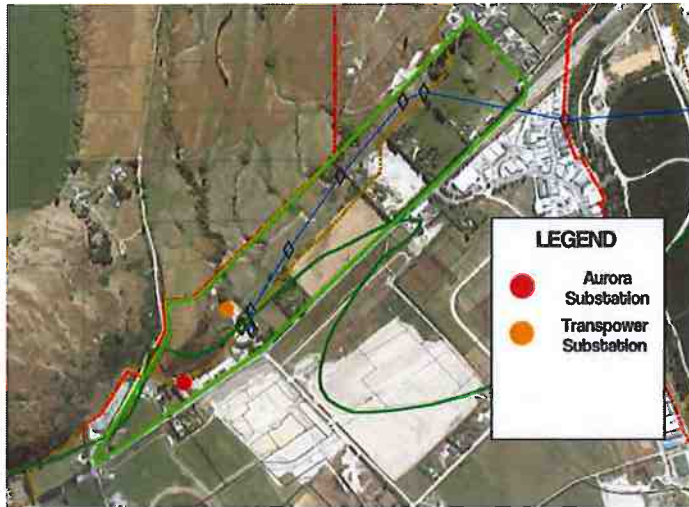


Figure 6-3 – the submission site

7.4. The Case for Rezoning

58. Figure 6-4 below shows the location of the properties of various submitters. Note that the Otago Foundation has an interest in the Hansen Family Trust land where it proposes to build a church complex. The Grant property discussed above is also shown.



Figure 6-4 – Landowner submitters properties

59. The case for the landowners was presented by Mr Warwick Goldsmith, legal counsel, with evidence from Mr James Bentley, landscape architect, Mr Andy Carr, traffic engineer and transport planner, and Mr Chris Ferguson, planner.
60. Briefly, the extensive range of alternative zonings requested by the submitters was narrowed down at the hearing to a request for BMUZ across all the properties, along with a request for relocation of the ONL to the uphill boundaries of the properties.
61. In opening Mr Goldsmith submitted that that the planning complexities of the site culminate in a particular planning environment which is of relatively low amenity (at least in part), is suited to a range of potential mixed use options, and which should be maximised in the most efficient way in light of its proximity to developed land, particularly given the Site's ability to

contribute to the District's foreseeable shortage of feasible commercial capacity and to the demand for centrally located residential land.

7.5. Landscape

62. Mr Bentley challenged the location of the ONL across the site, stating that it was based purely on the boundary between the flat land/terraces at the base of Ferry Hill, and the slopes of Ferry Hill itself which he regarded as too simplistic an approach, because of the cultural overlays present on the site. These include electricity substations, the National Grid power pylons, houses, tracks, shelter belts, a water race, a reservoir, grazed land a recently approved 4 lot rural residential subdivision all within the ONL. He said that all of this is influenced by the close proximity of SH6 and the adjacent mixed use developments on Frankton Flats south of SH6, which have an influence on the naturalness of the area which is a key consideration in the classification of the landscape. He recommended that the ONL boundary be set at a water race which traverses across the face of Ferry Hill a little above the flat area. He said that although the lands immediately adjacent to the water race were not significantly different from each other, land use activities are more strongly present below the water race and human influence is more prevalent.
63. In his legal submissions Mr Goldsmith drew our attention to a decision of the Environment Court, *JS Waterston v Queenstown Lakes District Council*¹³ which discusses principles applicable to the setting of ONL boundaries in a case at Ferry Hill. The Court said that there
- "...there are four circumstances that suggest that the topographical should give way to a recognition of the realities of the situation."*
64. In summary, the Court's four circumstances are:
- a. The presence of existing buildings in the landscape,
 - b. Whether the naturalness of the land has been affected has been reduced by exotic grasses and trees,
 - c. The presence of existing or consented rural residential subdivision adjacent to the site,
 - d. The need for a practical boundary.
65. Mr Goldsmith said all four factors were present in this case.
66. For the Council Dr Read preferred the existing ONL line because it was, in her view, the best and most obvious change in landform, and there was no physical delineator higher up the hill. She did not accept that the water race represented a true change in the landscape character.

7.6. Transport

67. Mr Andy Carr presented transport evidence for the submitters. Accepting that direct access from properties in the block to SH6 would be unsafe and not permitted by NZTA under Limited Access Road legislation, he said that traffic access to the site would have to be largely from a new fourth leg on the Hawthorne Drive/SH6 roundabout, which was designed to allow for this. He said that there is already considerable peak hour traffic at this roundabout, and analysed what level of additional traffic would be possible while still achieving a satisfactory level of service. He calculated peak hour traffic generation from both higher density housing, and business mixed use. The standard he set out to achieve is what is known "Level of Service E" which represents a delay of 50 seconds for an approaching vehicle for any leg of the roundabout. He proposed that in order to achieve the BMUZ zoning which the landowners prefer, it would be necessary to limit traffic generation on the site, which he proposed to do

¹³ C169/2000 at page 6

by setting a limit that would allow for each hectare of land to generate 55 vehicle movements (two-way) in the peak hours (that is, 1,430 vehicle movements divided by the 26.1ha of land owned by the group). Development beyond this level would be a restricted discretionary activity to enable developments to be assessed in the light of prevailing conditions at the time.

68. Mr Carr mentioned almost in passing the possibility of a connection being made to the Tucker Beach Rd intersection further to the north east. NZTA is considering a major upgrade to this intersection. However Mr Carr did not rely on that, because trips from the submission sites would mostly be to or from Queenstown or Frankton, and Tucker Beach Rd would be a longer route.
69. For the Council, its transport expert, Ms Wendy Banks said in her Reply evidence that level of Service C would be more appropriate, which would result in an overall limit of 1200 two way vehicles in the peak hour. In her opinion, based on potential full development, the part of the site recommended for BMUZ could exceed the 1200 movements per peak hour without allowing for any contribution for the HDRZ (as recommended by Ms K Banks) portion of the site. She was not comfortable with the movements per hectare regime proposed by Mr Carr, as she thought it would be difficult to calculate and enforce, although accepting that it would allow for a fair distribution of development across the various sites, rather than allowing the earlier developments to claim a disproportionate share of the development. In conclusion, she was comfortable with a mixture of BMUZ and HDRZ on the site, but subject to floor area limits calculated across the whole site.
70. For NZTA, Mr MacColl and Mr Sizemore reiterated the Agency's opposition to any form of business zoning on the north side of SH6 at Frankton, but that it was comfortable with higher density residential forms of zoning provided these had access to an internal roading system and not directly to SH6, and provided also that safe pedestrian facilities are provided across SH6.. They did not comment on the detailed modelling or the trip generation limits discussed by Mr Carr and Ms K Banks.

7.7. Economic Impacts

71. For the Council, Mr Tim Heath, an economist, produced a supplementary statement of evidence as part of the right of reply report. In this he reiterated his concern that additional commercial zoning of this and the Grant land to the west (discussed separately above), a total of 6.85ha of BMUZ could have an adverse effect on the viability of the Franktown town centres such as Five Mile. However he also recognised that there are constraints, such as the OCB and the general undesirability of industrial in this location. He said that if there was to be any commercial zoning then the gross floor area (GFA) or retail) should be limited, but did not say by how much.

7.8. Planning

72. For the submitters, Mr Ferguson discussed various options for the zoning of the sites. With regard to the Rural Zone, he said that this should not be a repository for sites that are otherwise too difficult but in itself needs to be justified as being the best fit with the objectives and policies of the PDP. He said that the BMUZ zoning would be the most appropriate in achieving the range of objectives dealing with the role of Frankton, urban growth, protection of the airport, and landscape values. He accepted that it would be appropriate to apply some specific rules to the BMU zoning to recognise the relevant constraints and ensure appropriate management of effects. New rules were proposed to restrict activities within the OCB, ensuring appropriate acoustic insulation for sensitive activities close to the State Highway and managing vehicle access to protect the function of the State Highway.

73. He also proposed a 20 metre wide setback from SH6 for maintenance of the visual amenity of this approach to Queenstown except at the eastern end of the site where the road descends to the Shotover River and cuts into the terrace landform. He said that this did not need to be the same as the 50m setback on the southern side of SH6 because that was designed to relate to building heights there and to preserve views to the Remarkable Mountains. He considered 20 m to be sufficient for visual amenities and would also provide opportunities for possible future road widening and installation of roadside services.
74. He acknowledged that a concern for BMUZ would be whether this would create an oversupply of commercial land and have the potential to detract from the viability of other town centres, particularly at Frankton. He discussed the economic evidence for the Council by Mr Phil Osborne, who said that there were currently 46.8 ha of vacant zoned commercial land in the Wakatipu Ward and that this would not be sufficient in the long term, resulting in a predicted shortfall of 16 ha by 2048. Mr Ferguson considered that although Mr Osborne had identified potential economic risks from an oversupply of land over the sort to medium term, these were only potential risks not established outcomes.
75. After the hearing, in her Reply evidence, Ms K Banks changed her position and recommended that the western end of the block (as well as the Grant land) be zoned BMUZ, with the balance outside the ONL, as recommended by Dr Read, as HDRZ, along with amended provisions addressing the various issues particular to the sites. The BMUZ portion would correspond to those parts of the properties affected in part by the OCB. She did this recognising the unsuitability of any rural zoning, avoiding issues in the OCB and keeping the business portion small enough to avoid significant economic effects on the town centres.
76. For the Otago Foundation Trust Board, Ms Alyson Hutton, a planner gave evidence in support of the Foundation's submission supporting the Council's originally proposed MDR zoning, and opposing the then recommendation in Ms K Banks' original Section 42A Report which recommended reverting the zoning west of the Hawthorne Drive roundabout to Rural. In particular, she considered the suggested Rural Zone could not be justified on its own merits and was simply a default zoning in the absence of anything else. She pointed out that the residential component of the church complex the Foundation proposed to build would be outside the part of the site within the OCB.
77. Mr Sean Mcleod gave brief evidence in support of the submission by S and J Mcleod¹⁴. They are not landowners in the block, but are residents of Queenstown with a keen interest in the hierarchy of zoning in Queenstown. Mr Mcleod said it was inappropriate to have higher density zoning on the outskirts of Queenstown; rather the highest densities should be at the centre. He did not believe the site suitable for either medium or high density. He preferred increasing the density of existing urban areas rather than continuing to spread into rural areas.
78. Stephen Spence¹⁵ did not provide evidence in support of his submission. His submission sought to remove the proposed MDRZ and retain rural zoning on the land. He stated that any development should be sympathetic to the style of development in the Quail Rise Zone. Mr Spence considered this area to be an important landscape in regard to the entranceway to Queenstown and was concerned that any development at MDR level would impinge on the amenity values of Quail Rise residents and increase the traffic in Quail Rise. Other submitters

¹⁴ Submission 391

¹⁵ Submission 8

seeking to reduce the density in this location included Ian and Dorothy Williamson¹⁶, who sought rezoning to LDRZ, although presented no evidence in support of that part of their submission.

8. DISCUSSION OF PLANNING FRAMEWORK

8.1. Airport

79. Strategic Chapters 3 and 4 contain a number of objectives and policies that are designed to allow the airport to operate successfully without constraints due to the need to protect the sensitive activities from airport from airport noise

80. Policy 3.3.5 is to

3.3.5 Policy

Recognise that Queenstown Airport makes an important contribution to the prosperity and resilience of the District.

81. In support of this is a group of policies in Chapter 4 which provide

4.2.2.15 Ensure appropriate noise boundaries are established and maintained to enable operations at Queenstown Airport to continue and to expand over time.

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

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

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

82. A strip of land adjacent to SH6 is within the Queenstown Airport OCB and was zoned Rural when notified. The OCB provisions are intended to discourage Activities Sensitive to Aircraft Noise (ASAN) from being established or manage the adverse effects of airport noise.

83. Establishment of ASAN is prohibited in the Rural Zone. Potential residential zones for the site include the LDR, MDR or HDRZ. In these zones, the establishment of ASAN is not prohibited, but it is discretionary in the LDRZ and there are requirements to ensure satisfactory indoor noise environments in all these zones. We note that at the time of notification, there was no MDR or HDR zoning within the OCB.

84. The Local Shopping Centre (LSCZ) and Business Mixed Use Zones (BMUZ), which are the zones which would achieve that aspect of the relief seeking commercial activities, require acoustic insulation for critical listening environments (including residential activities and visitor accommodation) to limit the potential for reverse sensitivity effects on Queenstown Airport for buildings within the Queenstown Airport Outer Control Boundary.

¹⁶ Submission 140

8.2. Landscape

85. Strategic objectives and policies in Chapters 3 and 6 require the identification of ONL's and ONF's and their protection from more than minor or temporary adverse effects.¹⁷
86. As notified the Landscape classification line bisected most of the sites, with the lower flatter lands nearest SH6 outside it and the slopes up to the property boundaries within the ONL, even though they were zoned MDR. We note that there are no rules in Chapter 8 which would impose any additional controls on MDR land within an ONL.

8.3. Urban Growth

87. The site is within the Urban Growth Boundary as shown on the planning maps. Relevant Objectives and Policies in Strategic Chapter 4 include;

Objective 4.2.1

Urban Growth Boundaries used as a tool to manage the growth of larger urban areas within distinct and defensible urban edges.

Objective 4.2.2A

A compact and integrated urban form within the Urban Growth Boundaries that is coordinated with the efficient provision and operation of infrastructure and services.

Policies

4.2.1.1 Policy

Define Urban Growth Boundaries to identify the areas that are available for the growth of the main urban settlements.

4.2.1.4 Policy

Ensure Urban Growth Boundaries encompass a sufficient area consistent with:

- a. the anticipated demand for urban development within the Wakatipu and Upper Clutha Basins over the planning period assuming a mix of housing densities and form;*
- b. ensuring the ongoing availability of a competitive land supply for urban purposes;*
- c. the constraints on development of the land such as its topography, its ecological, heritage, cultural or landscape significance; or the risk of natural hazards limiting the ability of the land to accommodate growth;*
- d. the need to make provision for the location and efficient operation of infrastructure, commercial and industrial uses, and a range of community activities and facilities;*
- e. a compact and efficient urban form;*
- f. avoiding sporadic urban development in rural areas;*
- g. minimising the loss of the productive potential and soil resource of rural land.*

4.2.2.3 Policy

Enable an increased density of well-designed residential development in close proximity to town centres, public transport routes, community and education facilities, while ensuring development is consistent with any structure plan for the area and responds to the character of its site, the street, open space and surrounding area.

¹⁷ See objective 3.2.5. and Policies 3.2.5.13.3.29, 3.3.30 and 6.3.11

4.2.2.4 Policy

Encourage urban development that enhances connections to public recreation facilities, reserves, open space and active transport networks.

4.2.2.12 Policy

Ensure that any transition to rural areas is contained within the relevant Urban Growth Boundary.

8.4. Transport

88. Although Chapter 29 Transport has been notified, it is too early in the submission process for us to give any weight to the objectives and policies in that chapter. However, Objective 4.2.2A above is relevant as transport and roading is one aspect of infrastructure that needs to be provided and operated efficiently.
89. A very small portion of the site is within the ONL. Strategic objectives and policies in Chapters 3 and 6 require the identification of ONL's and ONF's and their protection from more than minor or temporary adverse effects.¹⁸

8.5. Economic Impacts

90. Relevant objectives and policies from Chapter 3 include

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

.....

3.2.1.3 *The Frankton urban area functions as a commercial and industrial service centre, and provides community facilities, for the people of the Wakatipu Basin.*

.....

3.2.1.5 *Local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wanaka town centres , Frankton and Three Parks, are sustained.*

3.2.1.9 *Infrastructure in the District that is operated, maintained, developed and upgraded efficiently and effectively to meet community needs and to maintain the quality of the environment.*

9. ISSUES

- a. Landscape
- b. Airport
- c. Road noise
- d. Transport
- e. Economic effects
- f. Setbacks

¹⁸ See Objective 3.2.5.1 and Policies 3.3.29, 3.3.30 and 6.3.11

10. DISCUSSION OF ISSUES AND CONCLUSIONS

10.1. Landscape

91. We have received very different opinions from Dr Read and Mr Bentley regarding the location of the ONL. Dr Read has taken the topographical approach and therefore supported the location that was notified, generally at the base of the slope. Mr Bentley took an approach which recognised physical and cultural modifications of the landscape and recommends placing it along the water race which traverses the hillside above the properties. He acknowledged that this was only an approximation of the transition from the more modified lands below the water race and the more natural lands above it.
92. We consider that there is some merit in the cultural modification approach. However we do not think the water race is a particularly suitable boundary.
93. When Ferry Hill is viewed from the highway corridor or nearby, most of it is not visible. The upper slopes are cut off by intervening topography and the skyline is quite low. The water race actually crosses this skyline. We do not think an ONL boundary should cross the skyline when seen from such a well-used location. It needs to be well below the skyline in this location. Ferry Hill is able to be viewed as a whole from further away, for example from the lower parts of Shotover County, but from that distance, the modifications to the landscape appear near the of bottom of the hill and are relatively minor in their visual impact.
94. We are unable to pinpoint an exact location where the higher and more natural landscape merges into the lower, culturally-modified landscape. We accept Mr Goldsmith's interpretation based on the *Waterston* decision discussed earlier and consider that in this location a "practical boundary" would be appropriate. The suggestion of using the water race could have been a practical boundary, but only works from distant viewpoints. The only other readily identifiable feature in this vicinity is the uphill boundary of the submission properties. We have therefore decided to adopt that as the ONL boundary in this location. We note that this will be at a very similar elevation to the houses on Trench Hill Rd at Quail Rise, adjacent to the submission sites. We note also that, other than the land that was zoned Rural when the PDP was notified (that is the Transpower site and the land west of it), moving the Landscape Classification line to the property boundaries will have no practical effect on protecting the ONL as the notified MDR zoning provided no protection in any event. We further note that this altered position corresponds to the notified UGB (which no submission sought to be altered).

10.2. Airport

95. As shown on Figure 6-3, some of the land in this group is within the OCB. QAC submitted strongly against residential use of this land. This could be resolved by zoning the land for a commercial activity, which could be BMUZ without the residential component. NZTA's evidence was firmly against BMUZ because of high traffic generation and consequent effect on SH6, and it preferred MDR because of its lower traffic generation. The Council's evidence on this was ambivalent in the end, with the economist Mr Heath concerned about the potential impact on the vitality of the Frankton centres unless the floor area was limited in some way, but recognising the inherent difficulties in finding a suitable zone for the OCB affected lands. In her Reply evidence, Ms Kim Banks recommended zoning the OCB-affected properties BMUZ from SH6 to the ONL line, rather than to the property boundaries as requested by the submitters. This would partly meet Mr Heath's concerns, as it would be a smaller area than proposed by the submitters and would therefore result in a lesser amount of floor area.

96. We have decided to accept Ms Banks' solution, in a slightly modified form. As we are also recommending altering the ONL location we do not propose to use that notified line as a boundary. We consider that there could be a BMUZ zone on the Arnott and Hansen Family Trust properties, which are the ones affected by the OCB, for a depth of 90 metres back from SH6, which we estimate would be sufficient for a double row of BMUZ activities with an internal access road between. We note that a number of the sites in the existing BMUZ zone at Gorge Road are approximately this depth.

10.3. Transport

97. Development of any sites will need to be prevented until a new road is constructed to a "fourth leg" off the Hawthorne Drive Roundabout. In addition, subdivision of sites should ensure that adequate access is provided throughout the area to this connection point.

10.4. Economic Effects

98. We understand the concern of Mr Heath, given that both he and Mr Osborne, who also gave economic evidence for the Council, said that there is at present adequate zoned commercial land in Queenstown for the short to medium term, although in the longer term, after 2038 there could be a shortage developing. However, this is a relatively small area¹⁹ of land that we are proposing for rezoning, and due to the proposed roading upgrades it will be a number of years before it can come to the market. Economic modelling is not an exact science. We are satisfied that this will achieve the objectives and policies of the PDP cited above relating to the development of the economy and functioning of town centres.

10.5. Balance of the sites

99. The balance of the sites, which are outside the OCB should remain MDRZ in our opinion, rather than HDRZ recommended by Ms K Banks. This is for two reasons. Firstly, MDRZ would provide a better transition to the Rural land which would commence at the property boundaries slightly above the bottom of Ferry Hill. Secondly we do not think that the site would not really provide good alternative access to nearby commercial and employment centres by pedestrians, cyclists and public transport, as the zone purpose for HDRZ suggests, even after the installation of safe crossing points. Further, the nearest centre, which is Five Mile, does not provide a full range of commercial, community and social facilities in any case.

10.6. Setbacks

100. In the end both Ms Banks and Mr Ferguson recommended a 20m setback along most of the frontage of these sites, in the form of a Building Restricted Area. This was said to be for visual amenity, and also to allow for future road widening and underground services. We note that NZTA already has a widening project under consideration and has not moved to designate land for this purpose, although it remains able to do so. We are not convinced of any landscape or amenity need for such a wide setback and did not receive any expert evidence on that.
101. Ms Banks proposed a 6m setback from Ferry Hill Drive, but we understood that was to create a buffer between the relatively low density of the ODP Quail Rise Special Zone and the higher density allowed by the HDRZ. Such a setback was not included in the notified rules for the MDRZ and, even if we considered it necessary, which we do not, we doubt that there is scope to apply such a setback in the MDRZ.

10.7. Road Noise

102. NZTA is concerned that residents would be adversely affected by road noise from SH6 which is a very busy road in this vicinity. Ms Banks proposed that it be dealt with by rules requiring

¹⁹ We estimate it as a little less than 3 ha in this part of Frankton North.

mechanical ventilation and an Indoor Sound Design Level so that residents would have a satisfactory indoor noise environment. We accept that this is an appropriate response to the issue. We note that recommended Rule 8.5.2 requires sound insulation for activities sensitive to road noise within 80m of any State Highway. We are satisfied that rule will provide adequate noise attenuation for residential activities.

10.8. Recommended Amendments to Chapters 8, 16 and 27

103. Submissions on particular provisions in Chapter 8²⁰ relating to this land were deferred to be dealt with by this Hearing Stream. Ms Banks recommended an amended version of Rule 8.5.3 be inserted into Chapter 9 consistent with her initial recommendation that much of the land be zoned High Density Residential.
104. In addition, a number of submission points from NZTA (719), Otago Foundation Trust Board (408 and FS1061), Peter and Margaret Arnott (399) and FII Holdings Ltd (847) relating to the PDP provisions other than zoning affecting these sites were referred to us from the Stream 8 Hearings Panel.
105. As we have discussed above, with the zoning approach we recommend, we also recommend amendments to Chapters 8, 16 and 27 to deal with the specific issues raised with the zoning of this land. We set out the recommended changes in full in Appendix 1. In summary they are:
- a. Chapter 8:
 - i. insert a new policy dealing with the effects of stormwater discharges on SH6 (Policy 8.2.8.2);
 - ii. insert two new policies dealing with external and internal roading, pedestrian and cycling connections (Policies 8.2.8.8 and 8.2.8.9);
 - iii. insert a revised matter of discretion for the erection of 4 or more residential units in this area (Rule 8.4.10);
 - iv. revise Rule 8.5.3 to remove the requirement for a traffic impact assessment and to amend the landscaping requirements;
 - b. Chapter 16:
 - i. Insert a new objective and policy specific to this land consistent with Objective 8.2.8 and its policies (Objective 16.2.3 and Policies 16.2.3.1 to 16.2.3.9);
 - ii. Include amendments to rules to make Warehousing, Storage and Lock-up Facilities and Trade Suppliers prohibited activities in this part of the BMUZ (Rules 16.4.7 and 16.4.18);
 - iii. Insert a rule making Activities Sensitive to Aircraft Noise a prohibited activity within the Queenstown Airport Outer Control Boundary (Rule 16.4.17);
 - iv. insert a new standard consistent with Rule 8.5.3 to apply to the BMUZ in this area (Rule 16.5.11);
 - c. Chapter 27:
 - i. Insertion of a new Objective and policies related to ensuring roading access through both the MDRZ and BMUZ in this area (Objective 27.3.11 and Policies 27.3.11.1 to 27.3.11.3);
 - ii. Insertion of standards specific to subdivision in this area in MDRZ and BMUZ (Rules 27.7.8.1 and 27.7.8.2).
106. We are satisfied that the combination of objectives recommended are the most appropriate way to achieve the purpose of the Act in this context, while taking into account the higher

²⁰ Notified Rule 8.5.3

order documents, the Strategic Directions Chapters and the alternatives available to us. The recommended policies are, in our view, the most appropriate way to achieve the policies.

107. For all the reasons set out above, we are satisfied that the rules we recommend are the most effective and efficient means of implementing the policies so as to achieve the objectives of Chapters 8, 16 and 27, and those in the Strategic Directions chapters. Where we have not recommended rules suggested to us, or included in the notified PDP, that is because, for the reasons set out above, we do not consider them to be effective or efficient.

11. RECOMMENDATION ON ZONING

108. For the reasons set out above, we recommend that:
- a. Submission 8 be rejected;
 - b. Submissions 140, 177, 391, 399, 408, 717, 751 and 847 and Further Submissions 1270, 1029, 1061, 1062, 1195, 1271, 1167, 1340, 1092, 1077 and 1189 be accepted in part;
 - c. The land between Hansen Road and Ferry Hill Drive be rezoned as Business Mixed Use and Medium Density Residential, the location of the Outstanding Natural Landscape boundary be amended, and the Building Restricted Area on the north side of State Highway 6 at Frankton be deleted, as shown on the map in Appendix 2 to this report; and
 - d. Chapters 8, 16 and 27 be amended as set out in Appendix 1 to this report.