

**BEFORE THE QUEENSTOWN LAKES
DISTRICT COUNCIL**

IN THE MATTER of the Resource Management Act 1991
(the "Act")

AND

IN THE MATTER of the Queenstown Lakes Proposed
District Plan

Legal Submissions

For Trustees of the Gordon Family Trust

(Submission #395

Further Submission #1193)

2 June 2017

J G Hardie

Barrister

Christchurch

ISSUES:

1. LCS
2. Medium density
3. Boundary issues

LCS

1. *Size of zone*
 - Jurisdiction yes
 - Merit no. difference in opinions of the 2 experts. Catchment
 - Zone statement – people in transit
 - Distinction locals tourists. Tourists in accommodation Air BnB
2. *GFA 3000 sq m*
 - Jurisdiction. No
 - Merit. No
3. *Tenancy size.*
 - Jurisdiction part from Willowridge
 - But limited
 - Merit no.
4. *Changes to Policies*
 - 15.2.1.4
 - Jurisdiction No
 - Merit No. "Avoid" 300 sq m in a policy?
 - 15.2.1.5 no jurisdiction but no issues with it
 - 15.2.1.6. repetition

| | | | |
|-----------------------------------|--------|---|---|
| | | <p>meaning successful applications will be exceptional cases. The proposed ONL and ONF boundaries cover broad areas within the District. Within these broad areas there will be some areas that are suitable for subdivision and development. The wording of the policy is a very strong presumption against any subdivision or development and pre-empts the outcome of an assessment against the assessment matters.</p> <p>The detailed assessment matters referred to by the policy will enable a thorough assessment of whether development is acceptable. The policy should not pre-empt the outcome of this.</p> | <p>assessed against assessment matters in provisions 21.7.1 and 21.7.3 because subdivision and development is inappropriate in almost all locations, meaning successful applications will be exceptional cases.</p> |
| <i>Low Density Residential</i> | | | |
| 7.5.5 | Oppose | <p>Rule 7.5.5 of the Low Density Residential Zone provides for building coverage of 40%. The minimum lot size for the Low Density Residential Zone is 450m². At 40% coverage a 450m² lot could accommodate a building of 180m² ground floor area including garage, which is likely to be too small for many people. The building coverage should be increased where smaller lots are provided for.</p> | <p>Provide for 50% building coverage for lots between 450m² – 700m².</p> |
| <i>Local Shopping Centre Zone</i> | | | |
| 15.4 | Oppose | <p>The rules in the Local Shopping Centre Zone are permissive of commercial and retail activities and seem to provide for a range of activities from small scale shopping to supermarkets. This has the potential to undermine the town centres and other commercial centres, particularly where the land zoned neighbourhood shopping centre of a significant size, such as the neighbourhood shopping centre on Cardrona Valley Road.</p> | <p>Include rules in 15.4 to restrict retail activities to those providing a local service (hairies, off-license, bakery) with a gross floor area of no more than 400m², or rules to a like effect.</p> |
| <i>Rural Zone</i> | | | |
| 21.7.1.1 | Oppose | <p>Section 21.71 sets out the assessment matters (landscape) for Outstanding Natural Features (ONF) and Outstanding Natural Landscapes (ONL). The matters listed in 21.7.1.3 to 21.7.1.6 are sufficient to enable a thorough assessment of the appropriateness of a subdivision or development. Assessment matter 21.7.1.1. which states that 'the assessment matters are to be stringently applied to the effect that successful applications will be exceptional cases' is</p> | <p>Delete assessment matter 21.7.1.1.</p> |

LOCAL SHOPPING CENTRES 15

Key:

Recommended changes to notified chapter are shown in blue underlined text for additions and ~~blue strike through~~ text for deletions, Appendix 1 to Statement of Evidence Group 1B Wanaka – Business in Upper Clutha Mapping Hearing Stream, dated 17 March 2017.

Recommended changes to notified chapter are shown in red underlined text for additions and ~~red strike through~~ text for deletions, Appendix 1 to Right of Reply, dated 13 December 2016.

Note that provisions highlighted blue relate to the Local Shopping Centre Zone at 1 Hansen Road (Frankton), and should be considered at the hearing on mapping, along with the submissions on these provisions. There are no provisions specific to Cardrona Valley Road (Wanaka).

Recommended changes to notified chapter are shown in underlined text for additions and ~~strike through text~~ for deletions. Appendix 1 to s42A report, dated 2 November 2016.

15 Local Shopping Centres

Local Shopping Centres: Albert Town, Arrowtown, Fernhill, Frankton, Hawea, Sunshine Bay and Wanaka

15.1 Zone Purpose

The **Local Shopping Centre Zone** enables small scale commercial and business activities in discrete pockets of land that are accessible to residential areas and people in transit.

The zone seeks to reduce the necessity for people to travel longer distances to town centres to purchase convenience goods and access services. Due to the nature of the Zone's locations in predominantly residential environments, Zone standards limit the potential adverse effects on residential amenity and discourage the establishment of inappropriate activities. Visitor accommodation and residential activities are provided for in the Zone, adding to the vibrancy and viability of the Zone, whilst contributing to the diversity of housing options enabled by the District Plan.

15.2 Objectives and Policies

15.2.1 ~~Objective – Local Shopping Centres provide a focal point for a range of activities to occur in the Local Shopping Centre Zone to that meet the day to day needs of the community and ensure that they are of a limited scale that supplements the function of town centres.~~ Enable a range of activities to occur in the Local Shopping Centre Zone to that meet the day to day needs of the community and ensure that they are of a limited scale that supplements the function of town centres.

Policies

15.2.1.1 Provide for a diverse range of activities that meet the needs of the local community, enable local employment opportunities and assist with enabling the economic viability of local shopping centres.

15.2.1.2 Ensure that local shopping centres remain at a small scale that does not undermine the role and function of town centres.

15.2.1.3 Enable residential and visitor accommodation activities, but limit their establishment to above ground floor level to ensure that the integrity of activities occurring at street level is maintained, and that the core commercial function of the local shopping centres is not eroded.

15.2.1.4 Avoid individual retail activities exceeding 300m² gross floor area and individual office activities exceeding 200m² gross floor area that would adversely affect the:

Comment [AB1]: Recommended changes seek to articulate this as an objective, rather than an action as per instructions of the fourth procedural minute of 8 April 2016.

Comment [AB2]: Minor, non-substantive change to improve clarity.

LOCAL SHOPPING CENTRES 15

- a. retention and establishment of a mix of activities within the local shopping centre;
- b. role and function of town centres and commercial zones that provide for large scale retailing; and
- c. safe and efficient operation of the transport network.

Comment [AB3]: 249.11

15.2.1.5 Restrict identified retail activities to ensure that the role and function of town centres as the District's principal centres of retailing activity is not threatened.

Comment [AB4]: 249.11

15.2.1.6 Limit the total gross floor area of retail and office activities within the Local Shopping Centre Zone located on Cardrona Valley Road to ensure that the commercial function of Wanaka Town Centre and Three Parks is not adversely affected.

Comment [AB5]: 249, 507

15.2.2 Objective: Buildings respond to the existing character, quality and amenity values

Policies

15.2.2.1 Control the height, scale, appearance and location of buildings in order to achieve a built form that complements the existing patterns of development and is consistent with established amenity values.

15.2.2.2 Ensure that development generally comprises a scale that is commensurate with the receiving built environment.

15.2.2.3 Provide for consideration of minor height infringements where they help achieve higher quality design outcomes and do not significantly adversely affect amenity values.

15.2.2.4 Place specific controls on the bulk and location of buildings on sites adjoining Residential-zoned properties to ensure that an appropriate standard of residential amenity is maintained.

15.2.2.5 Control the design and appearance of verandas so they integrate well with the buildings they are attached to, and complement the overall streetscape and do not interfere with kerbside movements of high-sided vehicles, while providing appropriate cover for pedestrians.

Comment [AB6]: 798.44 & 798.45

15.2.2.6 Ensure that outdoor storage areas are appropriately located and screened to limit any adverse visual effects and to be consistent with established amenity values.

15.2.3 Objective - ~~Appropriate limits are placed on activities to minimise adverse~~ environmental effects received both within and beyond the zone ~~are minimised~~.

Comment [AB7]: Recommended changes seek to articulate this as an objective, rather than an action as per instructions of the fourth procedural minute of 8 April 2016.

Policies

15.2.3.1 Provide appropriate noise limits to control adverse noise effects generated by activities occurring within the Local Shopping Centre Zone and received by nearby properties.

15.2.3.2 Require acoustic insulation for critical listening environments (including residential activities and visitor accommodation) to:

- a. limit the impact of noise generated within the Zone on occupants; and, where relevant
- b. limit the reverse sensitivity effects on Queenstown Airport for buildings within the Queenstown Airport Outer Control Boundary.

Comment [AB8]: 433.62

15.2.3.3 Ensure that the location and direction of lights does not cause significant glare to other properties, roads, and public places and promote lighting design that mitigates adverse effects on the night sky.

LOCAL SHOPPING CENTRES 15

15.2.3.4 Avoid the establishment of activities that are not consistent with established character. *Use case appropriate provisions, or more appropriate in the zone*

- 15.2.3.5 Frankton Cemetery (as shown on Planning Maps 31, 31a and 33), in addition to other Zone-wide requirements:
- a. Ensure that development is undertaken in an integrated manner, having particular regard to ensuring the safe and efficient operation of the transport network.
 - b. Implement specific controls to limit effects on the historic values of the neighbouring cemetery.

15.3 Other Provisions and Rules

15.3.1 District Wide

Attention is drawn to the following District Wide chapters. All provisions referred to are within Stage 1 of the Proposed District Plan, unless marked as ~~Operative District Plan~~ (ODP) operative.

| | | |
|--|---|---|
| 1 Introduction | 2 Definitions | 3 Strategic Direction |
| 4 Urban Development | 5 Tangata Whenua | 6 Landscapes |
| 24 Signs (18 Operative DP) | 25 Earthworks (22 Operative DP) | 26 Historic Heritage |
| 27 Subdivision | 28 Natural Hazards | 29 Transport (14 Operative DP) |
| 30 Utilities and Renewable Energy | 31 Hazardous Substances (16 Operative DP) | 32 Protected Trees |
| 33 Indigenous Vegetation | 34 Wilding Exotic Trees | 35 Temporary Activities and Relocated Buildings |
| 36 Noise | 37 Designations | Planning Maps |

Comment [AB9]: Minor, non-substantive change for clarification only.

15.3.2 Clarification

Advice Notes

- 15.3.2.1 Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the 'Non-Compliance Status' column shall apply.
- 15.3.2.2 Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.
- 15.3.2.3 The following abbreviations are used within this Chapter.

Comment [AB10]: Minor, non-substantive change for clarification only.

| | | | |
|----|--------------------------|----|---------------|
| P | Permitted | C | Controlled |
| RD | Restricted Discretionary | D | Discretionary |
| NC | Non Complying | PR | Prohibited |

LOCAL SHOPPING CENTRES 15

15.4 Rules - Activities

| | Activities located in the Local Shopping Centre Zone | Activity status |
|--------|---|-----------------|
| 15.4.1 | Activities which are not listed in this table and comply with all standards | P |
| 15.4.2 | Verandas, in respect of: <u>Control is reserved to the following:</u> <ul style="list-style-type: none"> • Design; • Materials; • External appearance; and • The impact on, and relationship to, adjoining verandas; and • The enabling of unobstructed kerbside movements of high-sided vehicles. | C |
| 15.4.3 | 15.4.3.1 *Discretion is restricted to consideration of all of the following: external appearance, materials, sign platform, lighting, impact on the street, and natural hazards to ensure that: <ul style="list-style-type: none"> • External appearance, including materials, glazing treatment vertical and horizontal emphasis and the location of storage; • Signage platforms; • Lighting; • The impact of the building on the streetscape, compatibility with adjoining buildings and contribution to an integrated built form; • The design of the building blends well with and contributes to an integrated built form; • The external appearance of the building is sympathetic to the surrounding natural and built environment; • The detail of the facade is sympathetic to other buildings in the vicinity, having regard to; building materials, glazing treatment, symmetry, external appearance, vertical and horizontal emphasis and storage; • Where residential units are proposed as part of a development, the extent to which open space is provided on-site, provision of of open space either through private open space or communal open space, or a combination thereof; and • Where a site is subject to any Natural hazards and where the proposal to results in an increase in gross floor area: an assessment by a suitably | RD* |

Comment [AB11]: Non-substantive change for consistency with other PDP Chapters and to improve clarity for Plan users

Comment [AB12]: 798.44 & 798.45

Comment [AB13]: Minor, non-substantive change to make consistent with other chapters

Comment [AB14]: Minor, non-substantive change to re-phrase to be matters of discretion rather than assessment matters

LOCAL SHOPPING CENTRES 15

| | Activities located in the Local Shopping Centre Zone | Activity status |
|--|---|-----------------|
| | <p>qualified person is provided that addresses including considering the nature and degree of risk the hazard(s) pose to people and property, whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated.¹</p> <p><u>Assessment Matters relating to natural hazards:</u></p> <ul style="list-style-type: none"> • <u>the nature and degree of risk the hazard(s) pose to people and property;</u> • <u>whether the proposal will alter the risk to any site; and</u> • <u>whether such risk can be avoided or sufficiently reduced.</u> <p>15.4.3.2</p> <p>The following additional requirements apply to the Local Shopping Centre Zone located between Hansen Road and Frankton Cemetery (as shown on Planning Maps 31, 31a and 33):</p> <p>a. Applications for buildings shall be accompanied by a Spatial Layout Plan for the entire part of this site, which is zoned Local Shopping Centre, showing:</p> <ul style="list-style-type: none"> (i) The location, width and design of roads, laneways, footpaths and accessways, which shall include consideration of pedestrian/cycling connectivity and safety as well as the potential for vehicular access to and from the Local Shopping Centre Zone land to the west of the Frankton Cemetery; (ii) Proposed building locations and parking areas; (iii) Concept landscape design treatment; (iv) Detailed landscaping plan addressing the interface between development and the Frankton Cemetery for the purpose of managing effects on the amenity and historic values in and around the cemetery; and (v) Three waters infrastructure. <p>Note: where relevant, applications may rely upon an approved Spatial Layout Plan submitted as part of a prior application for this site.</p> <p>*Discretion is restricted to consideration of all of the following in addition to the matters in Rule 15.4.3.1 above:</p> <ul style="list-style-type: none"> • historic heritage and the amenity values of the Frankton Cemetery. | |

Comment [AB15]: Minor, non-substantive change to re-phrase to be a matter of discretion, with the accompanying guidance clearly listed as assessment matters. The change also implements notified Policy 28.3.2.3 of Chapter 28 (Natural Hazards), which lists the information requirements for natural hazards assessments and does not include a requirement for all natural hazard assessments to be undertaken by a suitably qualified person.

Comment [AB16]: Minor, non-substantive change to make consistent with other chapters

¹ Policies that guide the assessment of proposals on land affected by natural hazards are located in Chapter 28.

LOCAL SHOPPING CENTRES 15

| | Activities located in the Local Shopping Centre Zone | Activity status |
|--------|---|-----------------|
| | <ul style="list-style-type: none"> • the safe and efficient operation of the transport network; • pedestrian/cycling connectivity and safety; • amenity values; and • three waters infrastructure. | |
| 15.4.4 | <p>Visitor Accommodation</p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> • The location, provision, and screening of access and parking, traffic generation, and Travel Demand Management; • Landscaping; • The location, nature and scale of visitor accommodation and ancillary activities relative to one another within the site and relative to neighbouring uses; • The location and screening of bus and car parking from public places; and • Where the site adjoins a residential zone: <ul style="list-style-type: none"> - Noise generation and methods of mitigation; and - Hours of operation of ancillary activities. | RD* |
| 15.4.5 | <p>Licensed Premises</p> <p>Premises licensed for the consumption of alcohol on the premises between the hours of 11pm and 8am, provided that this rule shall not apply to the sale of liquor:</p> <p>a) to any person who is residing (permanently or temporarily) on the premises; and/or</p> <p>b) to any person who is present on the premises for the purpose of dining up until 12am.</p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> • The scale of the activity; • Car parking and traffic generation; • Effects on amenity (including that of adjoining residential zones and public reserves); • The configuration of activities within the building and site (e.g. outdoor seating, entrances); • Noise issues; • Hours of operation; and • Any relevant Council alcohol policy or bylaw. | RD* |
| 15.4.6 | Appliance Stores, Electronic and Electrical Goods Stores, Fashion Stores, Furniture and Floor Covering Stores | NC |

Comment [AB17]: Minor, non-substantive change to make consistent with other chapters

Comment [AB18]: Minor, non-substantive change to make consistent with other chapters

Comment [AB19]: Matter of discretion not supported on merits but no scope to recommend deletion.

Comment [AB20]: 249.11

LOCAL SHOPPING CENTRES 15

| | Activities located in the Local Shopping Centre Zone | Activity status |
|---------------------------|--|-----------------|
| 45.4.6 <u>15.4.7</u> | Industrial Activities not otherwise provided for in this Table | NC |
| 45.4.7 <u>15.4.8</u> | Factory Farming | PR |
| 45.4.8 <u>15.4.9</u> | Forestry Activities | PR |
| 45.4.9 <u>15.4.10</u> | Mining Activities | PR |
| 45.4.10 <u>15.4.11</u> | Airport | PR |
| 45.4.14 <u>15.4.12</u> | Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building, fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket), or any activity requiring an Offensive Trade Licence under the Health Act 1956. | PR |
| <u>15.4.13</u> | Fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket). | PR |
| <u>15.4.14</u> | Any activity requiring an Offensive Trade Licence under the Health Act 1956. | PR |

Comment [AB21]: Minor, non-substantive changes to make consistent with other chapters

LOCAL SHOPPING CENTRES 15

15.5 Rules - Standards

| | Standards for activities located in the Local Shopping Centre Zone | Non-compliance status |
|--------|--|---|
| 15.5.1 | <p>Building Coverage</p> <p>Maximum building coverage - 75%.</p> <p>*Discretion is restricted to <u>consideration of all of</u> the following:</p> <ul style="list-style-type: none"> • The effects on the quality of the overall streetscape; and • The ability to meet outdoor storage requirements. <p>Except that in the Local Shopping Centre Zone located between Hansen Road and Frankton Cemetery (as shown on Planning Maps 31, 31a and 33) the maximum building coverage shall be 50% with discretion restricted to the above matters and:</p> <ul style="list-style-type: none"> • The traffic effects of additional building coverage, including the effects on the State Highway, particularly with particular regard to the intersection between Hansen Road and State Highway 6. | RD* |
| | | <p>Comment [AB22]: Minor, non-substantive change to make consistent with other chapters</p> <p>Comment [AB23]: 719.92</p> |
| 15.5.2 | <p>Setbacks and Sunlight Access – sites adjoining any Residential zone, Township Zone or public open space</p> <p>a) Buildings shall not project beyond a recession line constructed at an angle of 35° inclined towards the site from points 3m above any Residential Zone or Township Zone boundary.</p> <p>b) Where the site adjoins any Residential zone, Township Zone or public open space the setback shall be not less than 3m.</p> <p>*Discretion is restricted to consideration of <u>all of</u> the following:</p> <ul style="list-style-type: none"> • The visual effects of the height, scale, location and appearance of the building, in terms of <ul style="list-style-type: none"> - Dominance; - Loss of privacy on adjoining properties; and - Any resultant shading effects. | RD* |
| | | <p>Comment [AB24]: Minor, non-substantive change to make consistent with other chapters</p> |
| 15.5.3 | <p>Acoustic insulation (excluding development within the Outer Control Boundary (OCB) Queenstown)</p> <p>a) A mechanical ventilation system shall be installed for all critical listening environments in accordance with Table 6 in Chapter 36.</p> <p>b) All elements of the façade of any critical listening environment shall have an airborne sound insulation of at least 40 dB R_w+C_{tr} determined in accordance with ISO 10140 and ISO 717-1.</p> <p>*Discretion is restricted to consideration of <u>all of</u> the following:</p> <ul style="list-style-type: none"> • the noise levels that will be received within the critical listening environments, with consideration including the nature and scale of the residential or visitor accommodation activity; | RD* |
| | | <p>Comment [AB25]: 433</p> <p>Comment [AB26]: Minor, non-substantive change to make consistent with other chapters</p> |



LOCAL SHOPPING CENTRES 15

| | Standards for activities located in the Local Shopping Centre Zone | Non-compliance status |
|--------|---|-----------------------|
| | <ul style="list-style-type: none"> the extent of insulation proposed; and whether covenants exist or are being volunteered which limit noise emissions on adjacent sites and/or impose no complaints covenants on the site. | |
| 15.5.4 | <p>Acoustic insulation: development within the Outer Control Boundary (OCB) Queenstown</p> <p>a) A mechanical ventilation system shall be installed for all critical listening environments in accordance with Rule 36.6.3 in Chapter 36.</p> <p>b) All elements of the façade of any critical listening environment shall have an airborne sound insulation of at least 40 dB R_w+C_{tr} determined in accordance with ISO 10140 and ISO 717-1.</p> | NC |
| 15.5.4 | <p>Development of 1 Hansen Road</p> <p>The following additional standards shall apply to development in the Local Shopping Centre Zone located between Hansen Road and Frankton Cemetery (as shown on Planning Maps 31, 31a and 33)</p> <p>(a) The total gross floor area dedicated to retail uses shall not exceed 4000m², with no individual tenancy larger than 700m² and no more than 10 retail tenancies across the site in total;</p> <p>(b) The total gross floor area dedicated to office uses shall not exceed 3000m².</p> <p>(c) No retail or office activities (aside from those ancillary to permitted uses) shall take place until an upgrade of the intersection between Hansen Road and State Highway 6 has occurred.</p> <p>(d) The total number of residential units (for the purposes of this rule, this shall include residential flats) shall not exceed 50 units.</p> <p>(e) There shall be no vehicle access directly onto the State Highway.</p> <p>(f) Buildings shall be set back a minimum distance of 6m from the boundary with the State Highway; and</p> <p>(g) Buildings shall be set back a minimum distance of 4m from the boundary with Frankton Cemetery.</p> | D |
| 15.5.5 | <p>Residential and Visitor Accommodation Activities</p> <p>All residential and visitor accommodation activities shall be restricted to first floor level or above.</p> | NC |
| 15.5.6 | <p>Building Height</p> <p>a) For the Local Shopping Centre Zone located at Albert Town, Arrowtown, Fernhill, Hawea, Sunshine Bay and Wanaka the maximum building height shall be 7m.</p> <p>b) For all other areas in the Local Shopping Centre Zone the maximum building</p> | NC |

Comment [AB27]: 433

Comment [AB28]: 249.11

LOCAL SHOPPING CENTRES 15

| | Standards for activities located in the Local Shopping Centre Zone | Non-compliance status |
|--|---|-----------------------|
| | height shall be 10m. | |
| 15.5.7  | <p>Noise</p> <p>a) Sound* from activities shall not exceed the following noise limits at any point within any other site in this zone:</p> <ul style="list-style-type: none"> • Daytime (0800 to 2200 hrs) 60 dB LAeq(15 min) • night-time (2200 to 0800 hrs) 50 dB LAeq(15 min) • night-time (2200 to 0800 hrs) 75 dB LAFmax <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008</p> <p>Exemptions:</p> <ul style="list-style-type: none"> • The noise limits in (a) shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999. • The noise limits in (a) shall not apply to sound associated with airports or windfarms. Sound from these sources shall be assessed in accordance and comply with the relevant New Zealand Standard, either NZS 6805:1992, or NZS 6808:1998. For the avoidance of doubt the reference to airports in this clause does not include helipads other than helipads located within any land designated for Aerodrome Purposes in this Plan. • The noise limits in (a) shall not apply to sound from aircraft operations at Queenstown Airport. <p>b) <u>Note:</u></p> <p>Sound from activities which is received in another zone shall comply with the noise limits set in the zone standards for that zone.</p> | NC |
| 15.5.8  | <p>Glare</p> <p>a) All exterior lighting, other than footpath or pedestrian link amenity lighting, installed on sites or buildings within the zone shall be directed away from adjacent sites, roads and public places, and so as to limit the effects on the night sky.</p> <p>b) No activity shall result in a greater than 10 lux spill (horizontal or vertical) of light onto any adjoining property within the Zone, measured at any point inside the boundary of any adjoining property.</p> <p>c) No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is in any Residential zone or Township Zone measured at any point more than 2m inside the boundary of the adjoining property.</p> <p>d) All roofs of buildings shall be finished or treated so they do not give rise to glare when viewed from any public place or neighbouring property.</p> | NC |

Comment [AB29]: Exemption not supported on merits but no scope to recommend deletion.

Comment [AB30]: Minor, non-substantive changes to improve clarity.

Comment [AB31]: Recommended that this be removed as it is *ultra vires* for uncertainty.

Comment [AB32]: Recommend that this be removed from a merits perspective but no scope so has not been struck out. See paragraph 17.5 of the s42A Report.

LOCAL SHOPPING CENTRES 15

| | Standards for activities located in the Local Shopping Centre Zone | Non-compliance status | |
|---------|--|-----------------------|--------------------------|
| 15.5.9 | <p>Retail and Office activities:</p> <p>a. Retail activities shall not exceed 300m² gross floor area</p> <p>b. Office activities shall not exceed 200m² gross floor area</p> <p>Note: All associated office, storage, staffroom and bathroom facilities used by the activity shall be included in the calculation of the gross floor area.</p> | NC | Comment [AB33]: 249.11 |
| 15.5.11 | <p>Retail and office activities in the Local Shopping Centre Zone located at Cardrona Valley Road, Wanaka</p> <p>The total combined area of retail and office activities shall occupy no more than 3,000m² gross floor area.</p> <p>Note: For the purposes of this rule the gross floor area calculation applies to the total combined area of retail and office activities within the entire Local Shopping Centre Zone at Cardrona Valley Road, and shall not be interpreted as applying to individual sites within the zone.</p> | D | Comment [AB34]: 249, 507 |

15.6 Non-Notification of Applications

15.6.1 Applications for Controlled activities shall not require the written consent of other persons and shall not be notified or limited-notified.

15.6.2 The following Restricted Discretionary activities shall not require the written consent of other persons and shall not be notified or limited-notified:

15.6.2.1 Buildings (Rule 15.4.3).

Comment [AB35]: Non substantive change for clarity

15.6.2.2 except for applications to exceed permitted building coverage between Hansen Road and Frankton Cemetery (as shown on Planning Maps 31, 31a and 33) with any notification limited to road controlling authority.

Comment [AB36]: 719.94

15.6.3 The following Restricted Discretionary activities will not be publicly notified but notice will be served on those persons considered to be adversely affected if those persons have not given their written approval:

15.6.3.1 Setbacks and sunlight access – sites adjoining any Residential zone, Township Zone or public open space.