

**BEFORE THE HEARINGS PANEL
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Hearing Stream 08
– Business Zones

**REPLY OF VICTORIA SIAN JONES
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

13 WANAKA TOWN CENTRE ZONE CHAPTER

13 December 2016

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1. INTRODUCTION

- 1.1 My name is Victoria (Vicki) Sian Jones. I prepared the section 42A report for the Wanaka Town Centre Zone (**WTC**) chapter 13 of the Proposed District Plan (**PDP**). My qualifications and experience are listed in that s42A report dated 2 November 2016.
- 1.2 I have reviewed the evidence filed by other expert witnesses on behalf of submitters, attended part of the hearing on the 28 November - 6 December 2016, and have been provided with information from submitters and counsel at the hearing, including reports of what has taken place at the hearing each day when I was not in attendance.
- 1.3 This reply evidence covers the following issues:
- (a) general drafting improvements to the objectives, policies, and rules and correcting formatting errors;
 - (b) the permitted activity rule;
 - (c) urban design and character issues;
 - (d) comprehensive developments;
 - (e) noise limits and the town centre entertainment precinct (**TCEP**); and
 - (f) height precincts.
- 1.4 Where I am recommending changes to the provisions as a consequence of the hearing evidence, I have included these in the recommended chapter in **Appendix 1 (Revised Chapter)**. Some of these changes were recommended in my summary of evidence dated 25 November 2016, which contains the explanation behind those changes. I have attached a section 32AA (**S 32AA**) evaluation in **Appendix 2** for the one significant change that is being recommended in this reply.
- 1.5 In this Reply:
- (a) if I refer to a provision number without any qualification, it is to the notified provision number and has not changed through my recommendations;
 - (b) if I refer to a 'redraft' provision number, I am referring to the s 42A recommended provision number; and

- (c) if I refer to a 'reply' provision number, I am referring to the recommended provision number in **Appendix 1** to this Reply.

2. GENERAL DRAFTING IMPROVEMENTS TO THE OBJECTIVES, POLICIES, AND RULES AND CORRECTING FORMATTING ERRORS

2.1 The following general amendments are recommended in response to comments made and questions asked by the Hearing Panel (**Panel**):

- (a) amend the controlled activity rules 13.4.2 and 13.4.3 by replacing the wording 'in respect of...' with 'control is reserved to the following' in order to be consistent with other chapters in the PDP;
- (b) deleting the words 'all of' from the phrase 'discretion is restricted in respect of all of the following' throughout the chapter, as the words are superfluous and do not assist with the legibility of the rules;
- (c) amend Prohibited activity Rule 13.4.11 regarding panelbeating etc., by splitting the various activities out into three separate rules (13.4.11 and reply 13.4.12 and 13.4.13) in order to improve legibility and align the layout of the rule in this chapter with the equivalent rule in the Queenstown Town Centre chapter (12) and other chapters of the PDP;
- (d) amend Rule 13.5.4 (Flood Risk) to remove the words '(381.9m Otago Datum) at Wanaka' as they are superfluous; and
- (e) delete the phrase "and so as to limit the effects on the night sky" in Rule 13.5.11.1 (Glare), as I understand it is *ultra vires* as covered in Council's legal submissions.

2.2 In response to particular questions raised by the Panel in relation to the above and other particular provisions:

- (a) having re-read the submission from NZTA (719) in full, I can confirm that it does not seek any amendment to Rule 13.6 in regard to the non-notification of applications and provides no scope to make such an amendment in the WTC chapter. Mr McColl also confirmed this when he presented evidence on behalf of NZTA; and
- (b) while the Wanaka Town Centre Character Guideline 2011 (the **Guideline**) was referred to in the S32 Report for the Wanaka Town Centre chapter and a hyperlink provided, the report was not included

in the list of 'material incorporated by reference' into the plan at notification of Stage 1 of the PDP.

- 2.3** The remainder of this evidence considers the more specific issues raised by the Panel.

3. PERMITTED ACTIVITY RULE

- 3.1** The Panel discussed with counsel for the Council whether Rule 12.4.1 in relation to permitted activities in the Queenstown Town Centre is necessary. The same rule exists in the WTC Zone (at Rule 13.4.1) and so the same response is included below for the Panel's convenience.

- 3.2** I refer you to the Council's closing legal submissions for an understanding of the relationship between the provisions of the RMA and Rule 13.4.1 (and other similar provisions throughout the PDP).

- 3.3** In my opinion the inclusion of such a rule at the start of the activity table in each chapter, confirming the default status of activities not otherwise listed, is necessary for the reasons outlined by Counsel and is the most legible approach. This is particularly important due to the fact that the default status varies between zones. For example, activities not listed in the rural and residential chapters default to non-complying whereas they default to permitted in the business chapters.

- 3.4** I acknowledge that the Advice Note in 13.3.2.1 also, in effect, requires compliance with the Standards table, by stating "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". However, the purpose of this 'Advice Note' is focused more on identifying the Non-Compliance status. I therefore consider the inclusion in 13.4.1 of the reference to compliance with all standards, is clearer and will ensure there is no room for debate as to the correct interpretation.

- 3.5** While it is inconsistent to have listed activities default to non-complying in some instances and permitted in others, in my opinion it is appropriate given the vastly different purposes of the various zones with the former having a relatively narrow purpose (with a narrow range of uses being anticipated) and

the latter being of a highly mixed use nature which can be regulated in a far more effects-based manner.

3.6 I have therefore not recommended any change to this rule.

4. URBAN DESIGN AND CHARACTER ISSUES

4.1 The Panel has questioned whether the requirement to set back any fourth floor (of buildings) in Rule 13.5.9.3 (reply Rule 13.5.9.2) from the building frontage should more appropriately require upper floors to be set back from the street boundary. In my opinion:

- (a) the rule is very clear that the setback shall be taken from the building frontage, which in isolated instances may not be the same as the street setback;
- (b) Rule 13.5.6 requires all buildings to be built up to the road boundary for its full length except where a pedestrian link is provided and therefore in almost all cases it is reasonable in my view, to assume that the building frontage will, in fact, also be the street boundary. To alter Rule 13.5.9 to refer to setting back the fourth storey from the street boundary would conflict with Rule 13.5.6 and indirectly encourage or suggest that an acceptable alternative would be to set the whole building back 3 m. This would be an undesirable outcome in most cases;
- (c) retaining the rule as notified and therefore requiring any fourth floor to be set back from the building frontage is consistent with the principles outlined in the Wanaka Town Centre Character Guideline 2011 (**Guideline**), and in the evidence of both Mr Timothy Church and Ms Louise Wright. As drafted it is therefore effective at achieving Objective 13.2.3. In particular, while the Guideline discusses the principle of setting back higher levels in the context of 3 storey (rather than 4 storey) development, it makes the following statements which, in my view, reinforce the intent of the PDP rule:
 - *Building heights should not generally exceed 8m at the street frontage, where they should read as a maximum of two storeys in height - roofs pitched above this height may be used if not visible from the street*
 - *Any third level should be a secondary volume set back a minimum of 3m from the building frontage and should not*

appear to be higher than 10m when viewed from the street.
(page 15)

- (d) the alternative of enabling buildings to be constructed with a flat 4 storey frontage set back 3 m from the street boundary is, in my opinion, a less appropriate outcome in the Wanaka context; would be contrary to the principles of the Guideline; and would be less effective in achieving the objectives of the Zone.

- 4.2 The submissions seeking that heights either be increased or decreased may indirectly provide scope to change this rule, should the Panel disagree with my views.

5. COMPREHENSIVE DEVELOPMENTS

- 5.1 The matter of scope raised by Mr Todd regarding the recommended change in my s42A from 1800m² to 1400m² is addressed in the Council's legal submissions. My views and recommendations on this issue are set out in section 4 of my reply evidence for the Queenstown Town Centre Chapter 12, and apply equally to the Wanaka Town Centre Chapter 13.

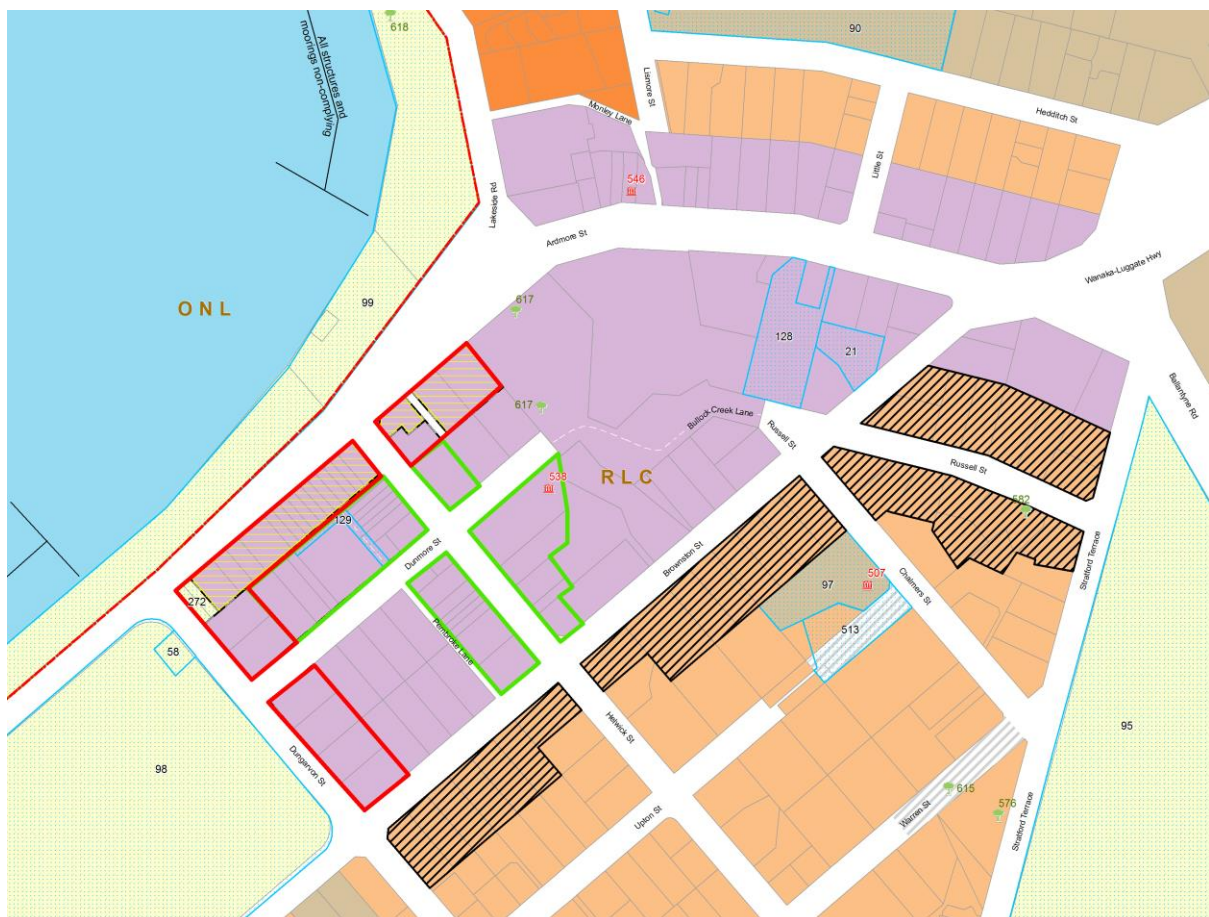
6. NOISE LIMITS AND THE TOWN CENTRE ENTERTAINMENT PRECINCT (TCEP)

- 6.1 The Panel queried whether the policy direction was sufficiently strong in relation to distinguishing between the activities that are anticipated in the TCEP versus in the balance of the WTC Zone and, in particular, whether the objective and policies enable the Council to decline a noisy activity outside the TCEP if necessary.
- 6.2 In response, I note that breaching the noise standards is a non-complying activity and have recommended deleting one policy (reply 13.2.5.4) and replacing it with two new policies (reply 13.2.5.8 and 13.2.5.9) in order to be more directive and more consistent with those of the QTTC and to provide more of a hierarchy of what is expected to occur in the TCEP; the Town Centre outside of that; and in the area north of Ardmore Street.
- 6.3 Scope for these changes comes from Whitney Thurlow (196), Wanaka on Water (707), Iain Weir (112), Ardmore Holdings Wanaka (705), Kai Whakapai cafe-bar (156), Lake Bar Limited (129), Roger Gardiner (260), and NZIA Southern and Architecture + Women Southern (238).

7. HEIGHT PRECINCTS

7.1 As outlined in my summary of evidence, I recommend introducing a new Height Precinct 2, together with an amended Rule 13.5.9 (enabling heights of 10 m to the eave and 12 m to the ridgeline in this precinct) and consequential minor amendments to Policy 13.2.3.1 and Rule 13.5.8. A section 32AA evaluation is attached in relation to these recommended amendments.

7.2 The following map is a close up of Planning Map 21 for the express purpose of showing Height Precincts P1 and P2 (in red and green respectively). The full map and legend are provided in **Appendix 1**.



8. CONCLUSION

- 8.1 Overall, I consider that the revised chapter as set out in **Appendix 1** is the most appropriate way to meet the purpose of the RMA for the reasons variously set out above; the S 42A report; my evidence summary, and in the attached section 32AA evaluation.

A handwritten signature in black ink, appearing to read 'V Jones', with a horizontal line underneath.

Vicki Jones
Consultant Planner
13 December 2016