

**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.

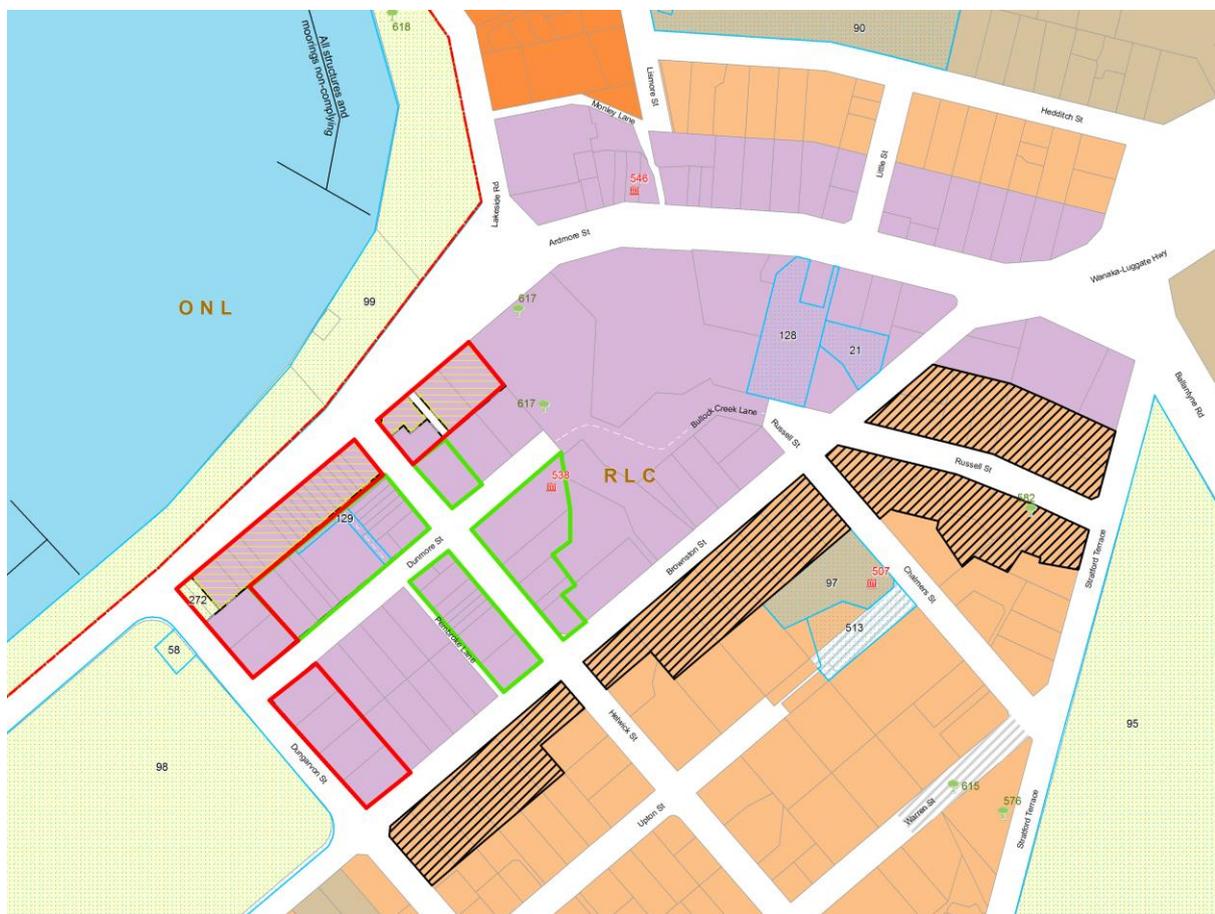
6. NOISE LIMITS AND THE TOWN CENTRE ENTERTAINMENT PRECINCT (TCEP)

- 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 stylized flourish underneath.

Vicki Jones
Consultant Planner
13 December 2016

APPENDIX 1
13 WANAKA TOWN CENTRE CHAPTER

WANAKA TOWN CENTRE 13

Key:

Recommended changes 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

Recommend 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.

13 Wanaka Town Centre

13.1 Zone Purpose

Town centres provide a focus for community life, retail, entertainment, business and services. They provide a vital function for serving the needs of residents, and as key destinations for visitors to our District, they provide a diverse range of visitor accommodation and visitor-related businesses. High visitor flows significantly contribute to the vibrancy and economic viability of the centres.

Wanaka's town centre is located in a prime lakeside setting, with spectacular views of the mountains and easy access to lakeside, walkways and public parks. The centre will serve a growing resident population and visitor numbers, for which it plays a vital role as the focal point for community activities and amenities. It will be large enough to provide a range of retailing, business and entertainment options, but remains compact so as to be accessible on foot. Intensifying residential properties and visitor accommodation will adjoin the fringes of the centre adding to its vibrancy.

13.2 Objectives and Policies

13.2.1 Objective – Wanaka town centre remains the principal focus for commercial, administrative, cultural, entertainment and visitor activities in the Upper Clutha area.

Policies

13.2.1.1 Provide for a diverse range of activities that meet the needs of residents and visitors, and enable the town centre to have a broad economic base that maintains its status as the principal centre for the Upper Clutha area.

13.2.1.2 Enable residential activities and visitor accommodation activities above ground floor level whilst acknowledging that there will be a lower level of residential amenity due to the mix of activities and late night nature of the town centre.

13.2.1.3 Recognise the important contribution that night time activity makes to the vibrancy and economic prosperity of the town centre by enabling restaurant and bar activities to occur without unduly restrictive noise controls.

13.2.2 Objective – Wanaka is a compact, convenient and attractive town centre that has opportunities for controlled expansion and intensification.

Policies

13.2.2.1 Provide for future controlled growth opportunities through the Town Centre Transition Overlay, which enables appropriate town centre activities to establish in a discrete area of residential-zoned land adjoining the town centre, recognises the existing mixed use character of that area, and makes a clear distinction between that transition area and the adjacent residential zone.

13.2.2.2 Discourage outward expansion of town centre activities in areas other than the Town Centre Transition Overlay in order to ensure that the town centre maintains a compact form.

Comment [MSOffice1]: 292 (John Walker)

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13.2.2.3 Enable opportunities for further intensification of development in the town centre by providing more generous building heights in the Wanaka Height Precincts.

Comment [MSOffice2]: Gem Lake Ltd (240)

13.2.2.4 Acknowledge and celebrate our cultural heritage, including incorporating reference to tangata whenua values, in the design of public spaces, where appropriate.

13.2.3 Objective – Wanaka town centre retains a low scale built form that maintains a human scale.

Policies

13.2.3.1 Ensure that the scale of development generally comprises no more than a scale of two to three storeys, with the potential to develop a recessed fourth storey in the Wanaka Height Precinct P1.

Comment [MSOffice3]: 505 (JWA & DV Smith Trust)

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

Comment [MSOffice4]: Gem Lake Ltd (240)

13.2.4 Objective – New development achieves high quality urban design outcomes that respond to the town’s built character and sense of place.

Policies

13.2.4.1 Encourage new developments to be consistent with the design outcomes sought by the Wanaka Town Centre Character Guideline 2011.

13.2.4.2 Encourage building design that integrates with public spaces and facilitates the flow of pedestrians through the town centre by providing guidance through the Wanaka Town Centre Character Guideline 2011.

13.2.4.3 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 the amenity values of the town centre.

13.2.4.4 Encourage building appearance that is responsive to and reflects the essential character of the town centre and its unique environmental setting.

13.2.4.5 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, whilst providing appropriate cover for pedestrians.

Comment [MSOffice5]: 798 (ORC)

13.2.4.6 Ensure that outdoor storage areas are appropriately located and screened to limit any adverse visual effects and to be consistent with the amenity values of the town centre.

~~13.2.4.7 Require high quality comprehensive developments on large sites elsewhere in the Town Centre, which provides primarily for pedestrian links and lanes, open spaces, outdoor dining, and well planned storage and loading/ servicing areas within the development.~~

Comment [MSOffice6]: 238 (NZIA). Consequential change as a result of adding redraft Rule 13.5.13.

13.2.5 Objective – Appropriate limits are placed on town centre activities to minimise adverse environmental effects received both within and beyond the town centre.

Policies

~~13.2.5.1 Provide appropriate noise limits for town centre activities to minimise adverse noise effects received within the town centre and by nearby properties.~~

Comment [MSOffice7]: Replaced with the more detailed policy below. (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)).

13.2.5.2 Acknowledge that some activities occurring in vibrant town centres can generate higher noise emissions by providing a higher noise limit in the Lower Ardmore Entertainment Precinct.

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13.2.5.3 Locate the Lower Ardmore Entertainment Precinct so as to minimise the impacts of the higher noise limit on properties in the Residential Zones near the town centre.

13.2.5.4 ~~Require acoustic insulation for critical listening environments (including residential activities and visitor accommodation) to limit the impact of town centre noise on occupants.~~

Comment [MSOffice8]: Included in the more detailed policy below

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

13.2.5.6 Acknowledge that parts of the Wanaka town centre are susceptible to flood risk and require appropriate measures to limit the impact of flooding or ponding in areas of known risk.

13.2.5.7 Avoid the establishment of activities that are not consistent with the amenity values of the town centre, cause inappropriate environmental effects, and are more appropriately located in other zones.

~~13.2.5.8 Minimise conflicts between the Town Centre and the adjacent residential zone by avoiding high levels of night time noise being generated on the periphery of the Town Centre.~~

~~13.2.5.9 Recognise the important contribution that night time activity makes to the vibrancy and economic prosperity of the Town Centre and specifically provide for those activities, while mitigating effects on residential amenity by:~~

(a) ~~Enabling night time dining and socialising, both indoors and outdoors, to varying degrees throughout the Town Centre depending on the location of the activity; and~~

(b) ~~Providing for noisier night time activity within the Lower Ardmore Entertainment Precinct in order to minimise effects on adjacent residential zones adjacent to the Town Centre; and~~

(c) ~~Ensuring that the nature and scale of licensed premises located north of Ardmore Street result in effects that are compatible with adjoining residential zones; and~~

(d) ~~Enabling night time activities within the Town Centre Zone provided they comply with the noise limits; and~~

(e) ~~Requiring acoustic insulation for critical listening environments (including residential activities and visitor accommodation) to limit the impact of town centre noise on occupants.~~

Comment [MSOffice9]: Included from Policy 13.2.5.4 above

Comment [MSOffice10]: 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).

13.2.6 Objective – Pedestrian, cycle and vehicle linkages are safe and convenient, enabling people to easily negotiate their way through and around the town centre.

Policies

13.2.6.1 Implement ~~programmes~~ of street and other public open space improvements and traffic and car parking management to enhance pedestrian amenity and improve the flow of pedestrians, cyclists, and vehicles through the town centre.

Comment [MSOffice11]: 505 (JWA & DV Smith Trust)

13.2.6.2 Provide pedestrian linkages that promote coherence of the built form of the town centre and are designed so as to receive levels of sunlight and weather protection as appropriate to the overall character of the particular locality.

13.2.6.3 To minimise opportunities for criminal activity through incorporating Crime Prevention Through Environmental Design (CPTED) principles as appropriate in the design of lot configuration, public and semi-public spaces, linkages and landscaping.

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13.2.6.4 Provide an adequate range of parking options so residents and visitors can access the town centre with off-street parking predominantly located at the periphery in order to limit the impact of vehicles.

13.3 Other Provisions and Rules

13.3.1 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)~~.

Comment [MSOffice12]: Drafting change for consistency/clarity.

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

13.3.2 Clarification

Advice Notes

Comment [MSOffice13]: Clarification only

13.3.2.1 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. Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.

13.3.2.2 The following abbreviations are used within this Chapter.

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

General Rules

13.3.2.3 For the purpose of this chapter rule, a '**comprehensive development**' means the construction of a building or buildings on a site or across a number of sites with a ~~which total an~~ **land area greater than 1400m².**

Comment [MSOffice14]: Non substantive and for clarification only.
Definition moved from Rule 13.5.13. Track changes are to the s42A version of 13.5.13.

Comment [MSOffice15]: 238 (NZIA)

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13.4 Rules - Activities

	Activities located in the Wanaka Town Centre Zone	Activity status
13.4.1	Activities which are not listed in this table and comply with all standards	P
13.4.2	<p>Verandas, in respect</p> <p><u>Control is reserved to the following:</u> Design, appearance, materials, impact on and relationship to adjoining verandas (to be guided by the Wanaka Town Centre Character Guideline 2011) to avoid, remedy or mitigate adverse effects on:</p> <ul style="list-style-type: none"> • Neighbouring buildings and verandas; • The extent to which the veranda affects the use and enjoyment of the streetscape; and • The appearance of the building. • <u>The enabling of unobstructed kerbside movements of high-sided vehicles.</u> 	C
13.4.3	<p>Visitor Accommodation, in respect of:</p> <p><u>Control is reserved to the following:</u></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 to ensure visual amenity is adequately protected; and • Where the site adjoins a residential zone: <ul style="list-style-type: none"> a. Noise generation and methods of mitigation; and b. Hours of operation, in respect of ancillary activities. 	C
13.4.4	<p>Buildings</p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> • <u>External appearance and materials</u> • <u>Signage platforms</u> • <u>Lighting</u> • <u>Impact on the street</u> (to be guided by the Wanaka Town Centre Character Guideline 2011), and • Natural hazards <p>To ensure that:</p> <ul style="list-style-type: none"> • 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 use of stone, schist, plaster or natural timber is encouraged; • The views along a street or of significant view-shafts have been considered and responded to; 	RD*

Comment [MSOffice16]: Non substantive for consistency only

Comment [MSOffice17]: 798 (ORC)

Comment [MSOffice18]: Non substantive for consistency only

Comment [MSOffice19]: Non substantive for legibility purposes only

Comment [MSOffice20]: Reformattin g only

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	Activities located in the Wanaka Town Centre Zone	Activity status
	<ul style="list-style-type: none"> • The building facade provides an active interface to open space on to which it fronts, and the detail of the facade is sympathetic to other buildings in the vicinity, having regard to: <ul style="list-style-type: none"> a. Building materials; b. Glazing treatment; c. Symmetry; d. External appearance; e. Human scale; and f. Vertical and horizontal emphasis; and g. Storage areas are appropriately located and screened; and <p>Assessment matters relating to Where a site is subject to any natural hazards and where the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses</p> <ul style="list-style-type: none"> • 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 Whether such risk can be avoided or sufficiently reduced mitigated.¹ 	
13.4.5	<p>Licensed Premises 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>13.4.5.1 to any person who is residing (permanently or temporarily) on the premises; and/or</p> <p>13.4.5.2 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*
13.4.6	Industrial Activities not otherwise provided for in this table	NC

Comment [MSOffice21]: Non substantive, improved clarification, and to achieve greater consistency. ORC (798)

Comment [MSOffice22]: Non substantive for legibility purposes only

Comment [MSOffice23]: Recommended that this be removed from a merits perspective and to be consistent with QTTC but no scope so has not been struck out

Comment [MSOffice24]: Recommended that this be removed from a merits perspective and to be consistent with QTTC but no scope so has not been struck out

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

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	Activities located in the Wanaka Town Centre Zone	Activity status
13.4.7	Factory Farming	PR
13.4.8	Forestry Activities	PR
13.4.9	Mining Activities	PR
13.4.10	Airport	PR
13.4.11	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>13.4.12</u>	<u>Fish or meat processing (excluding that which is ancillary to a retail premises such as a butcher, fishmonger or supermarket).</u>	<u>PR</u>
<u>13.4.13</u>	<u>Any activity requiring an Offensive Trade Licence under the Health Act 1956.</u>	<u>PR</u>

Comment [MSOffice25]: Non substantive change for legibility purposes only

13.5 Rules - Standards

	Standards for activities located in the Wanaka Town Centre Zone	Non-compliance status
13.5.1	<p>Setbacks and sunlight access – sites adjoining a Residential zone</p> <p>13.5.1.1 Buildings shall not project beyond a recession line constructed at an angle of 34° inclined towards the site from points 3m above any Residential Zone boundary.</p> <p>13.5.1.2 Where a site adjoins a Residential Zone all buildings shall be set back not less than 3m.</p> <p>*Discretion is restricted to consideration of all of 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 dominance and loss of privacy on adjoining properties and any resultant shading effects. 	RD*
13.5.2	<p>Storage</p> <p>13.5.2.1 For all buildings with frontage to Helwick Street, Dunmore Street and Ardmore Street (west of Bullock Creek) storage areas shall be situated within the building or accessed from a service lane at the rear of the property.</p> <p>13.5.2.2 In all other parts of the Town Centre Zone storage areas shall be screened from view from all public places and adjoining zones.</p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> the effects on visual amenity; consistency with the character of the locality; and whether pedestrian and vehicle access is compromised. 	RD*

Comment [MSOffice26]: Non substantive for legibility purposes only

Comment [MSOffice27]: Non substantive for legibility purposes only

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	Standards for activities located in the Wanaka Town Centre Zone	Non-compliance status
13.5.3	<p>Residential Activities</p> <p>All residential activities shall be restricted to first floor level or above, with the exception of foyer and stairway spaces at ground level to facilitate access to upper levels.</p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> the effects on surrounding buildings and activities; and the maintenance of an active street frontage. 	RD*
13.5.4	<p>Flood Risk</p> <p>No building greater than 20m² shall be constructed or relocated with a ground floor level less than RL 281.9masl (381.9m Otago Datum) at Wanaka.</p> <p>Note: This ground floor minimum includes 1.3 metres to allow for wave action where necessary.</p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> the level of risk from flooding and whether the risk can be appropriately avoided or mitigated; and the extent to which the construction of the building will result in the increased vulnerability of other sites to flooding. 	RD*
13.5.5	<p>Verandas</p> <p>Every building with road frontage to Helwick Street, Dunmore Street and Ardmore Street shall, on its erection or on being reconstructed or altered in a way that substantially changes its external appearance, be provided with a veranda which shall be situated no higher than 3m above pavement level and shall provide continuous cover for pedestrians.</p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> Consistency with the Wanaka Town Centre Character Guideline (2011); Effects on pedestrian amenity; The human scale of the built form; and Historic heritage values (where relevant). 	RD*
13.5.6	<p>Setbacks from front boundaries</p> <p>All buildings shall be built up to the street boundary along the full street frontage of the site except where a pedestrian link is provided. Nothing in this rule shall preclude the inclusion of recessed entrances within any facade up to a depth of 1.5m and a width of 2m.</p> <p>*Discretion is restricted to consideration of all of the following:</p> <ul style="list-style-type: none"> the effects on the quality of the overall streetscape (including sunlight access, the creation of a consistent building setback and widening of the street over time.) 	RD*
13.5.7	<p>Acoustic insulation</p> <p>13.5.7.1 A mechanical ventilation system shall be installed for all critical listening environments in accordance with Table 6 in Chapter 36.</p> <p>13.5.7.2 All elements of the façade of any critical listening environment</p>	RD*

Comment [MSOffice28]: Non substantive for legibility purposes only

Comment [MSOffice29]: Non substantive for legibility purposes.

Comment [MSOffice30]: Non substantive for legibility purposes only

Comment [MSOffice31]: Recommended that this be removed from a merits perspective and to be consistent with QTTC but no scope so has not been struck out

Comment [MSOffice32]: Non substantive for legibility purposes only

Comment [MSOffice33]: Non substantive for legibility purposes only

WANAKA TOWN CENTRE 13

	Standards for activities located in the Wanaka Town Centre Zone	Non-compliance status									
	<p>shall have an airborne sound insulation of at least 40 dB Rw+Ctr determined in accordance with ISO 10140 and ISO 717-1.</p> <p>*Discretion is restricted to consideration all of of 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; 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. 										
13.5.8	<p>Maximum building height for all buildings other than those in the Wanaka Height Precincts</p> <p>13.5.8.1 The maximum building height shall be 8m to the eave line and 10m to the ridge line.</p>	NC									
13.5.9	<p>Maximum building height for buildings in the Wanaka Height Precincts</p> <p>13.5.9.1 In Height Precinct P1, the maximum building height shall be 12m to the eave line and 14m to the ridge line</p> <p>13.5.9.2 In Height Precinct P1, any fourth storey (excluding basements) and above shall be set back a minimum of 3m from the building frontage.</p> <p>13.5.9.3 In Height Precinct P2, the maximum building height shall be 10m to the eave line and 12m to the ridge line and shall comprise no more than 3 storeys, excluding basements.</p>	NC									
13.5.10	<p>Noise</p> <p>Town Centre Zone (including the Lower Ardmore Entertainment Precinct):</p> <p>13.5.10.1 Sound* from activities in the Town Centre Zone (excluding sound from the sources specified in rules 13.5.10.3 to 13.5.10.5 below) shall not exceed the following noise limits at any point within any other site in this zone:</p> <table border="0" style="margin-left: 40px;"> <tr> <td>a. daytime</td> <td>(0800 to 2200 hrs)</td> <td>60 dB LAeq(15 min)</td> </tr> <tr> <td>b. night-time</td> <td>(2200 to 0800 hrs)</td> <td>50 dB LAeq(15 min)</td> </tr> <tr> <td>c. night-time</td> <td>(2200 to 0800 hrs)</td> <td>75 dB LAFmax</td> </tr> </table> <p>* measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008</p> <p>13.5.10.2 Sound from activities in the Town Centre Zone (excluding sound from the sources specified in rules 13.5.10.3 and 13.5.10.4 below) which is received in another zone shall comply with the noise limits set for the zone the sound is received in.</p> <p>13.5.10.3 Within the Town Centre Zone only, but excluding those sites north of Ardmore Street, sound* from music shall not exceed the following limits:</p>	a. daytime	(0800 to 2200 hrs)	60 dB LAeq(15 min)	b. night-time	(2200 to 0800 hrs)	50 dB LAeq(15 min)	c. night-time	(2200 to 0800 hrs)	75 dB LAFmax	NC
a. daytime	(0800 to 2200 hrs)	60 dB LAeq(15 min)									
b. night-time	(2200 to 0800 hrs)	50 dB LAeq(15 min)									
c. night-time	(2200 to 0800 hrs)	75 dB LAFmax									

Comment [MSOffice34]: Non substantive for legibility purposes only

Comment [MSOffice35]: Reformatted under a single rule. Non substantive.

Comment [MSOffice36]: Gem Lake Ltd (240)

Comment [MSOffice37]: Gem Lake Ltd (240) regarding increasing the height on Helwick St and Graham Dickson (202), and Quentin Smith (225) regarding reducing the height on Dumore St

Comment [MSOffice38]: Submitters 9 (Terry Drayron), 196 (Whitney Thurlow), 707 (Wanaka on Water), and 728 (Wanaka Residents Association)

WANAKA TOWN CENTRE 13

	Standards for activities located in the Wanaka Town Centre Zone	Non-compliance status
	<p>a. 60 dB LAeq(5 min) at any point within any other site in the Lower Ardmore Entertainment Precinct; and</p> <p>b. 55 dB LAeq(5 min) at any point within any other site outside the Lower Ardmore Entertainment Precinct.</p> <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008, and excluding any special audible characteristics and duration adjustments.</p> <p>13.5.10.4 Within the Town Centre Zone <u>only, but excluding those sites north of Ardmore Street</u>, sound* from voices shall not exceed the following limits:</p> <p>a. 65 dB LAeq(15 min) at any point within any other site in the Entertainment Precinct; and</p> <p>b. 60 dB LAeq(15 min) at any point within any other site outside the Entertainment Precinct.</p> <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008.</p> <p>13.5.10.5 Within the Town Centre Zone <u>only, but excluding those sites north of Ardmore Street</u>, sound* from any loudspeaker outside a building shall not exceed 75 dB LAeq(5 min) measured at 0.6 metres</p> <p>13.5.10.6 from the loudspeaker.</p> <p>* measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008, excluding any special audible characteristics and duration adjustments.</p> <p>Exemptions:</p> <ul style="list-style-type: none"> The noise limits in 13.5.10.1 and 13.5.10.2 shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999. The noise limits in 13.5.10.1 to 13.5.10.5 shall not apply to outdoor public events pursuant to Chapter 35 of the District Plan. 	
13.5.11	<p>Glare</p> <p>13.5.11.1 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>13.5.11.2 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>13.5.11.3 No activity shall result in a greater than 3 lux spill (horizontal or vertical) of light onto any adjoining property which is zoned residential measured at any point more than 2m inside the boundary of the adjoining property.</p> <p>13.5.11.4 <u>External building materials shall either be coated in colours which have a reflectance value of between 0 and 36%; or consist of</u></p>	NC

Comment [MSOffice39]: Submitters 9 (Terry Drayron), 196 (Whitney Thurlow), 707 (Wanaka on Water), and 728 (Wanaka Residents Association)

Comment [MSOffice40]: Submitters 9 (Terry Drayron), 196 (Whitney Thurlow), 707 (Wanaka on Water), and 728 (Wanaka Residents Association)

Comment [MSOffice41]: Recommended that this be removed from a merits perspective but no scope so has not been struck out

Recommended that this be removed as it is *ultra vires* for uncertainty.

WANAKA TOWN CENTRE 13

	Standards for activities located in the Wanaka Town Centre Zone	Non-compliance status
	<p>unpainted wood (including sealed or stained wood), unpainted stone, unpainted concrete, or copper.</p> <p>Except that:</p> <ul style="list-style-type: none"> architectural features, including doors and window frames, may be any colour; and Roof colours shall have a reflectance value of between 0 and 20%. 	
13.5.12	<p>Service Lanes</p> <p>Any development, redevelopment or substantial alteration of any site or property within this zone shall make provision for such service lane or through-site pedestrian access as indicated on Planning Map No. 21. Such provision shall be taken into account in the assessment of development levies applicable to the development, redevelopment or alteration. Service lanes shall be subdivided and vested in the Council.</p>	NC
13.5.13	<p>Maximum building coverage in relation to comprehensive developments</p> <p>13.5.13.1 When undertaking a comprehensive development (as defined in provision 13.3.2.3), the maximum building coverage calculated over the whole land area, shall be 75%.</p> <p>13.5.13.2 When undertaking a comprehensive development the application shall include a comprehensive development plan for an area of at least 1400m² that covers the entire development area and is of sufficient detail to enable the matters of discretion listed below to be fully considered.</p> <p><u>*In regard to rules 13.5.13.1 and 13.5.13.2, discretion is restricted to consideration of all of the following:</u></p> <ul style="list-style-type: none"> <u>The adequate provision of pedestrian links, open spaces, outdoor dining opportunities</u> <u>The adequate provision of storage and loading/ servicing areas</u> The provision of open space within the site, for outdoor dining or other purposes <u>The site layout and location of buildings, public access to the buildings, and landscaping, particularly in relation to how the layout of buildings and open space interfaces with the street edge and any adjoining public places and how it protects and provides for view shafts, taking into account the need for active street frontages, compatibility with the character and scale of nearby residential zones, and the amenity and safety of adjoining public spaces and designated sites.</u> <p>For the purpose of this rule, a 'comprehensive development' means the construction of a building or buildings on a site or across a number of sites which total an area greater than 1400m².</p>	RD*

Comment [MSOffice42]: Recommended that this be removed from a merits perspective and to be consistent with QTTC but no scope so has not been struck out

Comment [MSOffice43]: Non substantive; for clarification purposes only

Comment [MSOffice44]: 238 (NZIA)

Comment [MSOffice45]: Non substantive for legibility purposes only

Comment [MSOffice46]: Shifted from Rule 12.5.1.2 to avoid duplication but ensure nothing is lost

Comment [MSOffice47]: Definition moved to 13.3.2 under 'General Rules', and non-substantive changes to definition recommended.

Comment [MSOffice48]: 238 (NZIA)

WANAKA TOWN CENTRE 13

13.6 Rules - Non-Notification of Applications

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

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

13.6.2.1 Buildings.

13.6.2.2 Building coverage and comprehensive developments.

13.6.3 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:

13.6.3.1 Setbacks and sunlight access – sites adjoining a Residential zone.

Comment [MSOffice49]: Consequential change as a result of adding Rule 13.5.13 into chapter 13. NZIA (238)

APPENDIX 2
SECTION 32AA EVALUATION

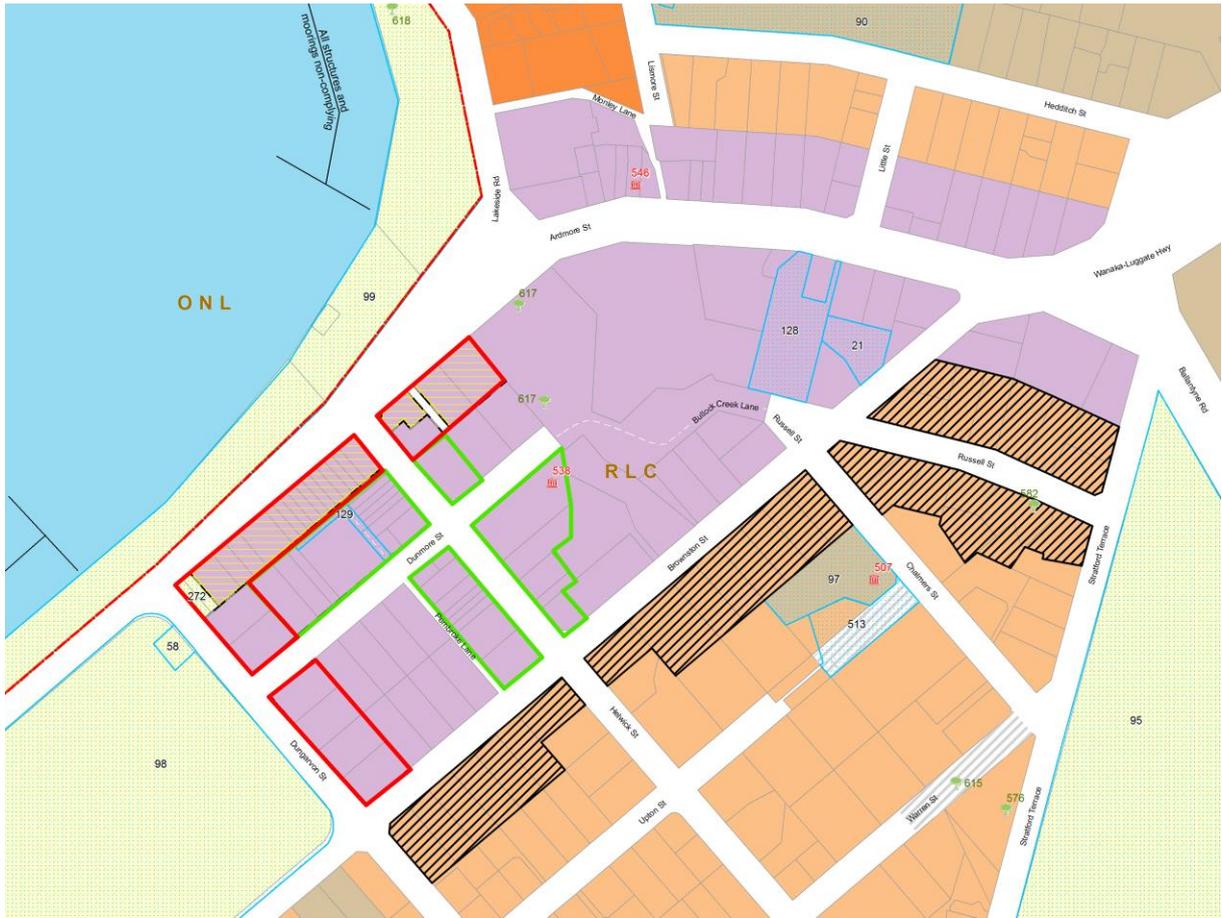
Appendix 2
Section 32AA Evaluation

Note: The relevant provisions from the revised chapter are set out below. Section 42A report recommendations are shown as underlining for additions and deletions in ~~striketrough~~ text. Reply recommendations are shown in red underlined text for additions and ~~red striketrough~~ text for deletions (i.e. as per the recommended chapter).

The section 32AA evaluation then follows in a separate table underneath each of the provisions.

Recommended amended Rule 13.5.9 and amended Planning Map 21 regarding the introduction of a Height Precinct 2.

13.5.9	<p><i>Maximum building height for buildings in the Wanaka Height Precincts</i></p> <p><u><i>13.5.9.1 In Height Precinct P1, the maximum building height shall be 12m to the eave line and 14m to the ridge line</i></u></p> <p><u><i>13.5.9.2 In Height Precinct P1, any fourth storey (excluding basements) and above shall be set back a minimum of 3m from the building frontage.</i></u></p> <p><u><i>13.5.9.3 In Height Precinct P2, the maximum building height shall be 10m to the eave line and 12 m to the ridge line and shall comprise no more than 3 storeys, excluding basements.</i></u></p>	NC
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Note: The above 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) and you are referred to the amended version of Planning Map 21 in Appendix 1 for the full map and legend

Costs	Benefits	Effectiveness & Efficiency
<ul style="list-style-type: none"> • May not necessarily enable more development capacity or more efficient landuse for individual landowners as they can in theory develop up to 3 storeys under the notified rules, albeit with low inter-floor heights and little roof articulation. • May not necessarily result in greater intensification of the Wanaka Town Centre Zone (WTC) and may, in fact, result in slightly less intensification than under the notified PDP height precinct due to the recommended reduction in height on Dunmore Street. • Will result in slightly more shading on Helwick and Brownston streets in those months either side of the winter solstice, when compared with the notified PDP height rule. • May distribute new development over a wider area of the WTC zone rather than consolidate it in the notified height precinct. This may result in poor urban design outcomes in the short to medium term due to inconsistent building heights and ground floor stud heights and blank walls where new development adjoins under-developed sites. 	<ul style="list-style-type: none"> • The amendments will enable higher quality internal spaces with more generous inter-floor heights which provide for more adaptable uses and higher quality retail space and more articulated roof forms due to the greater height coupled with limiting it to 3 storeys. • The higher quality internal spaces (especially at the ground floor) will result in more desirable lease space and potentially higher rental rates. • Will reinforce Helwick Street's role as the main retail street and evolving role as the entranceway into the WTC. • Will be more consistent with the Wanaka character guideline; resulting in good alignment of the guideline and development in height precinct 2. • Will encourage the redevelopment of Helwick Street by more readily enabling 3 storey development and better utilisation of sites. • Will result in only minor shading effects on the west side of Helwick Street and the south side of Brownston and Dunmore streets. • Will result in less shading on the south side of Dunmore streets in those months either side of the winter solstice, when compared with the notified PDP height rule. • Will maintain the low human scale of Wanaka 	<p>The addition of height precinct 2 and the amended height rule:</p> <ul style="list-style-type: none"> • Is likely to be equally effective and more efficient at implementing Objective 13.2.2. While it will not necessarily encourage greater intensification within the Town Centre than under the notified PDP, it is likely to avoid landowners from having to obtain non complying resource consents for small height encroachments that may be necessary to achieve the 3 storeys. • Will be equally effective and efficient at implementing Objective 13.2.3 regarding retaining a low quality human scale for the reasons listed under the benefits. • Will be more effective and efficient at implementing Objective 13.2.4 regarding quality urban design outcomes for the reasons listed under the benefits.

Costs	Benefits	Effectiveness & Efficiency
	<ul style="list-style-type: none"><li data-bbox="603 264 975 383">• Will strengthen and complement the perimeter block rationale for Precinct 1.	